SLAVERY AND THE EPISCOPACY:

BEING

AN EXAMINATION OF DR. BASCOM'S REVIEW

OF

THE REPLY OF THE MAJORITY

TO THE

Protest of the Minority

OF THE

LATE GENERAL CONFERENCE OF THE M. E. CHURCH,

IN THE

CASE OF BISHOP ANDREW.

BY GEORGE PECK, D. D.

"It is a good sound constitution of mind not to feel every blast, either of seeming reason to be taken with it, or of cross opinion to be offended at it."—ARCHBISHOP LEIGHTON.

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SLAVERY AND THE EPISCOPACY.

§ I.—*Preliminary Observations.*

The great controversy which commenced in the General Conference of 1844 has now resulted in the division of the Methodist Episcopal Church. The convention of delegates from sixteen Annual Conferences which met in Louisville, Kentucky, in May last, adopted the report of the committee on division, in which they declare "the jurisdiction heretofore exercised over said conferences by the General Conference of the Methodist Episcopal Church, *entirely dissolved;* and that said Annual Conferences shall be, and they hereby *are, constituted* a separate ecclesiastical connection—to be known by the style and title of the Methodist Episcopal Church, South."

The result now is no longer matter of speculation, but of history. The deed is done. "The Methodist Episcopal Church, South," has come into being, and exists entirely independent of the jurisdiction of the Methodist Episcopal Church. This very important result having been brought about, it is now incumbent upon us to survey the facts of the past and the prospects of the future with calmness, candor, and charity. If there has ever been a time for heated discussion and declamation, that time has gone by. This is the period for sober thought and reflection—for inquiry as to the best measures to prevent all the evils of schism; and to adjust the relations of the parties which are henceforward to act under separate jurisdictions, but still have many interests in common, and many delicate and difficult matters to settle.

Hitherto I have taken no part in the paper-war which has grown out of the action of the last General Conference in the case of Bishop Andrew. I have no personal feelings, growing out of unpleasant collisions, to gratify. While I acted conscientiously with the majority in that case, and still think that action perfectly legitimate and absolutely necessary, I have a high degree of respect for the intelligence and piety of the minority, and would not for my right hand unnecessarily wound their honorable or Christian feel-

ings. I am not infallible—those who take a different view of the case from that which I take may be right, though my persuasion, that so far as they vary from me they are in error, is clear and strong. But what is there now to prevent a calm and impartial review of the whole ground? What objection to a mutual toleration of opinions? What harm will be done if each party, after a sufficiently explicit statement of the case as it is viewed by them respectively, should leave the new order of things to work out its own results, and posterity to judge of the causes which produced it.

My object is not to renew the controversy, and thereby aggravate an evil that is already matter of just complaint. I would not knowingly put a straw in the way of the earliest possible termination of the heart-burnings, which there is but too much reason to believe still exist between the two divisions; nor would I utter a word which should protract the pending controversy for one moment beyond the imperative demands of necessity. But neither justice nor charity—a regard for the interests of religion in general, of Methodism, nor of *southern* Methodism—demands that the controversy should terminate until the views of both parties are set in proper juxtaposition, and the argument on both sides is placed in such a light, and made so perfectly tangible, that the future historian can without difficulty form a proper estimate of the whole question, or at least present the views of each party in all their strength.

As yet the north has spoken but sparingly, except through the medium of weekly sheets, whose records are necessarily fugitive and transient. Though pamphlets have been written and published at the south vindicating the cause of the minority, none have, so far as I am advised, been put forth at the north explaining and defending the cause of the majority. An imbodiment of the argument on our side is what is still wanting, and a desideratum which this effort is designed to supply.

I may say nothing which has not in one shape or another been said before. An extraordinary memory may be able to call up every important thought which I shall offer, either from the debates of the General Conference or from the mass of papers which have appeared in our weekly journals; yet as but few are now able to collect, arrange, and digest what has appeared in detached portions and at intervals of considerable length, a review of the whole case—a sort of digest of the facts and considerations concerned in the issue—is in a manner necessary to a right direction of public sentiment upon the points in controversy.

Besides, our southern brethren in their books and pamphlets have, as we conceive, done us great injustice by attributing to us designs and principles which present us in an odious light, but which we do not acknowledge. In all this they may be honest, but their honesty does not lessen the amount of the injury. It is our right and duty to explain ourselves as often as may be necessary to a full understanding of our true position. We may not, after all, satisfy our southern brethren; but we should have a sufficient amount both of respect for them and ourselves to repeat our efforts to do so, until we find it wholly impossible. Or if we effect no more, it is at least worth our while to let them and the world know, that their publications have not changed our views of the character of the emergency which brought on the collision, or of the results which have grown out of it.

Dr. Bascom's "Review of the Manifesto of the Majority" is a book of one hundred and sixty-five heavy octavo pages. The character of this work, as well as the high consideration in which the author is deservedly held, entitles it to a formal reply. Entertaining this opinion, I submitted the matter to the two other members of the committee, who reported the Reply to the Protest, Drs. Elliott and Durbin; requesting them either to reply to Dr. Bascom, or to signify their pleasure in relation to the matter. They imposed the duty upon me. And though I have no predisposition favorable to a part in the controversy, yet I cannot decline a task, however difficult, which seems legitimately to fall upon me. In the execution of my work it will be difficult to do complete justice to what I consider the interests of truth, without wounding the feelings of my respected opponent and his friends. But difficult as this task may seem, I shall make an effort to accomplish it, and proceed with strong hopes of success. My hopes are, however, based upon the confidence I have in the honorable sentiments and Christian feelings of these gentlemen, and not upon the idea that the points of difference are either few or small. I must notify them at the beginning, that I shall join issue with the doctor upon a multitude of points, and shall attempt to convict him of erroneous statements and false reasoning upon all the material points at issue between us. All this I trust will give no just occasion of offense, if it be done respectfully and in good temper. I may even rebuke the spirit of his book, but if I do this with proper courtesy and kindness, I shall not be judged an offender nor accounted an enemy. But I must spend no more time in preliminaries: I now proceed directly to the discussion of the subject.

§ II.—*The Real Question at Issue.*

The great question upon which the north and south came into collision, in the late General Conference, was "*slaveholding in the episcopacy.*" Other questions, in the progress of the debate, have arisen, and other grievances, besides the action of the General Conference in the case of Bishop Andrew, are alledged by our southern brethren; but it is presumed that no serious difficulty would have arisen but for the bishop's connection with slavery. Indeed, the general expectation, of both north and south, was that we should have a quiet and harmonious session. It must have been anticipated that petitions and memorials upon the subject of slavery would come up to the conference, and that their presentation and reference would occasion some excitement; but still, as the policy of the church upon the subject had become fixed, and the conservative party in the conference would be, as it had been for several successive General Conferences, a large majority, no change of policy, and, consequently, no new cause of difficulty, between the north and south, could reasonably have been anticipated. So, until the news of the connection of Bishop Andrew with slavery reached the north, any material difficulty in the General Conference, upon the vexed subject, was not apprehended; and various communications from the south gave assurances of anticipations, in that quarter, of a peaceful session.

After the action of the late General Conference in the case of Bishop Andrew, the southern delegates presented to that body a "Declaration," in which they make "the continued agitation on the subject of slavery and abolition in a portion of the church, the frequent action in the General Conference," as well as the proceedings in the case of the bishop, concerned in the production of "a state of things in the south which renders a continuance of the jurisdiction of the General Conference over these conferences inconsistent." And Dr. Bascom takes the position, at the outset, that "the subject of separation, as it regards the north and south, turns mainly upon the question of slavery, not as connected with the case of Bishop Andrew, but in its broader and more general aspects." Review, p. 4. But, not contented with this broad ground, the convention has added still another grievance, which, it would seem, completes, for the present at least, the catalogue of reasons for separation. It is presented as follows:—

"Among the many weighty reasons which influence the southern conferences to seek to be released from the jurisdiction of the General Conference of the Methodist Episcopal Church, as now constituted.

are the novel, and, as we think, dangerous doctrines practically avowed and indorsed by that body and the northern portion of the church generally, with regard to the *constitution* of the church and the constitutional rights and powers respectively of the EPISCOPACY and the General Conference."

The action of the General Conference in the case of F. A. Harding was, in the debates in the General Conference, and is, by the convention, coupled with that of Bishop Andrew as an instance of "judicial construction and virtual legislation" altogether "subversive" of existing laws, and injurious to the south.

From all this it will appear that there is a grasping after a broader basis for a separation than that which is constituted by what the minority called the "extra-judicial" proceedings in the case of Bishop Andrew. And, by thus expanding their foundation, they greatly weaken its main point: for if the proceedings of the General Conference, in the case of Bishop Andrew, constitute a sufficient reason for separation, why cast about for others? If this reason is obvious and conclusive, why attempt to *strengthen* it by such as, to say the most of them, are exceedingly doubtful? Why this effort to create new issues? Let us examine a little more particularly these additional reasons for the southern movement. "The continued agitation on the subject of slavery and abolition, and the frequent action in the General Conference," can constitute no new reasons for separation, for this subject has been agitated, and the General Conference has acted upon it, from the first. And from the organization of the church in 1784 to 1812, the action of the General Conferences was far more offensive to the south than anything that has been done from 1812 to 1844. If "agitations" and "action" are reasons for separation, there have been such reasons for sixty years. And let it not be forgotten that the action of the General Conferences since that of 1816 has uniformly been of a conservative character, in the main designed for the special benefit of the south, and has not unfrequently been exceedingly offensive to northern abolitionists. Surely the "compromise" law, as it is called by our southern brethren, passed in 1816, the resolutions against abolition, and the pastoral address of 1836, and the colored testimony resolution, and the famous resolution passed in relation to the Westmoreland cases in 1840, constituted no grounds of complaint upon the part of the south.

Upon the question which has been raised touching "the constitutional rights and powers of the episcopacy and the General Conference," I am not aware that there existed any diversity of opinion between the north and south until the case of Bishop Andrew came

up. The question of the right of the General Conference to depose or suspend a bishop, or in any way to interfere with the episcopal functions, was raised, as I suppose, for the first time in the history of our church, during the pendency of the preamble and resolution which were finally passed in that case. That there would ever have been any difference of opinion developed upon that question, between the north and south, had not the General Conference undertaken the correction of a bishop, for his connection with slavery, is something I have yet to learn. And certainly the right of the General Conference to take such action as was taken in the case of Bishop Andrew was, in the debate, sufficiently sustained by reference to the doctrines and maxims of our venerated fathers, to vindicate that action from the charge of *novelty* or of establishing a principle unknown to them. We of the north were fully impressed with the conviction that the exalted doctrines of episcopal prerogative, maintained in the Protest, were novelties utterly inconsistent with the genius of our ecclesiastical organization; but I know not that any northern man thought them a sufficient reason for separation from the south. No one will deny that it was a new issue, growing out of the proceedings in the case of Bishop Andrew, and this is all that it is necessary for me to assume at present. The subject will be more fully treated in another place, when I hope to make it perfectly plain that we of the north have embraced no novel theory of episcopacy.

The Harding case constitutes very slight ground of complaint on the part of the south. The case is simply this. The Baltimore Annual Conference suspended Mr. Harding for holding slaves, as they supposed, contrary to the Discipline. That conference, by the Discipline, had the right to "apply the law;" and, in the exercise of that right, they suspended Mr. Harding. The General Conference affirmed that decision, believing that the Baltimore Conference had applied the rule correctly. Now, saying nothing about the construction of the rule concerned at present, I would, at this point, simply query how this decision can consistently be construed into an offense against the south. I know it has been asserted, in the heat of debate, that this action goes to say that all slaveholders are sinners, and that it establishes a precedent, which, if carried out, would peril the membership of every preacher in the south who holds slaves. But really I cannot see the legitimacy of this conclusion: for, in the first place, "emancipation, conformably to the laws of the state in which he lives," must be "practicable," or the conference could not touch any slaveholder. And, in the next place, "the application of the law" being with the Annual Con-

ference, the malpractice of the Baltimore Conference could not affect the membership of members of the Virginia, or Georgia, or any other southern conference. So long as the application of the law is with the Annual Conferences every Annual Conference can protect its own members. The law of the Discipline says:—

"When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the state in which he lives."

The Baltimore Conference judged that "emancipation" was "practicable" under the laws of Maryland, and acted upon that conviction in the case of Mr. Harding. And the General Conference of 1844 affirmed the act, fully believing that the rule required Mr. Harding to emancipate his slaves; or that, upon failure to do so, he should "forfeit his ministerial character in our church." But what has all this to do with those conferences which are located in states where the laws do not admit of emancipation? And especially how can this precedent affect the character or membership of preachers in other conferences, while they make their own application of the law, without the least reference to that of any other Annual Conference? I have never been able to see why the Harding case should be lugged in as a southern grievance, or how it can be looked at as a dangerous precedent; much less am I able to see the "ultra abolitionism" of that act of the General Conference which affirmed the suspension of Mr. Harding.

I have taken this hasty survey of the alledged grounds of separation for the purpose of enabling the reader to judge of their character. And it appears exceedingly strange how any unprejudiced mind can rest for a moment upon any one of the several allegations which I have noticed. In all candor, the whole looks like a forced march to reach a point. The strength of a cause is not in proportion to the *number* of reasons which are alledged in its support, but in proportion to their *pertinency* and *weight*.

The issue, after all that has been said, must be made up upon the action in the case of Bishop Andrew. Upon the opinion which posterity makes up of that case will it base its decision upon the justice and propriety of the separation. Whether the decision of the General Conference of 1844, in the case of Bishop Andrew, constituted a sufficient ground for a voluntary separation of the southern conferences from the jurisdiction of the General Conference is the great question which now agitates many anxious hearts, both at the north and south.

§ III.—*History of the Case.*

Bishop Andrew's connection with slavery was brought formally before the General Conference on the 20th of May, by the following preamble and resolution :—

"Whereas it is currently reported, and generally understood, that one of the bishops of the M. E. Church has become connected with slavery; and whereas it is due to this General Conference to have a proper understanding of the matter; therefore,

"Resolved, That the Committee on the Episcopacy be instructed to ascertain the facts in the case, and report the results of their investigation to this body to-morrow morning.

"John A. Collins,
"J. B. Houghtaling."

The case was reported on the 21st, and spread upon the Journal the 22d, as follows :—

"The Committee on Episcopacy, to whom was referred a resolution, submitted yesterday, instructing them to inquire whether any one of the superintendents is connected with slavery, beg leave to present the following as their report on the subject.

"The committee had ascertained, previous to the reference of the resolution, that Bishop Andrew is connected with slavery, and had obtained an interview with him on the subject; and having requested him to state the whole facts in the premises, hereby present a written communication from him in relation to this matter, and beg leave to offer it as his statement and explanation of the case."

"*To the Committee on Episcopacy.*

"Dear Brethren,—In reply to your inquiry, I submit the following statement of all the facts bearing on my connection with slavery. Several years since an old lady, of Augusta, Georgia, bequeathed to me a mulatto girl, in trust, that I should take care of her until she should be nineteen years of age; that *with her consent* I should then send her to Liberia; and that in case of her refusal, I should keep her, and make her as free as the laws of the state of Georgia would permit. When the time arrived, she refused to go to Liberia, and of her own choice remains *legally* my slave, although I derive no pecuniary profit from her. She continues to live in her own house on my lot; and has been and is at present at perfect liberty to go to a free state at her pleasure; but the laws of the state will not permit her emancipation, nor admit such deed of emancipation to record, and she refuses to leave the state. In her case, therefore, I have been made a slaveholder legally, but not with my own consent.

"2dly. About five years since, the mother of my former wife left to her daughter, *not to me*, a negro boy; and as my wife died without a will more than two years since, by the laws of the state he becomes legally my property. In this case, as in the former, emancipation is impracticable in the state; but he shall be at liberty to leave the state

whenever I shall be satisfied that he is prepared to provide for himself, or I can have sufficient security that he will be protected and provided for in the place to which he may go.

"3dly. In the month of January last I married my present wife, she being at the time possessed of slaves, inherited from her former husband's estate, and belonging to *her*. Shortly after my marriage, being unwilling to become their owner, regarding them as strictly hers, and the law not permitting their emancipation, I secured them to her by a deed of trust.

"It will be obvious to you, from the above statement of facts, that I have neither bought nor sold a slave; that in the only two instances in which I am legally a slaveholder, emancipation is impracticable. As to the servants owned by my wife, I have no legal responsibility in the premises, nor could my wife emancipate them if she desired to do so. I have thus plainly stated all the facts in the case, and submit the statement for the consideration of the General Conference. Yours respectfully, JAMES O. ANDREW."

"All which is respectfully submitted.

"ROBERT PAINE, *Chairman*."

The case, after much discussion, was finally disposed of by the adoption of the following preamble and resolution:—

"Whereas, the Discipline of our church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which in the estimation of the General Conference will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

"Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains.

"J. B. FINLEY,
"J. M. TRIMBLE."

On June 5th the following Declaration was presented by Rev. A. B. Longstreet, signed by fifty-two names:—

"The delegates of the conferences in the slaveholding states take leave to *declare* to the General Conference of the Methodist Episcopal Church, that the continued agitation on the subject of slavery and abolition in a portion of the church; the frequent action on that subject in the General Conference; and especially the extra-judicial proceedings against Bishop Andrew, which resulted, on Saturday last, in the virtual suspension of him from his office as superintendent, must produce a state of things in the south which renders a continuance of the jurisdiction of this General Conference over these conferences inconsistent with the success of the ministry in the slaveholding states."

On the 6th of June the famous Protest was read by the Rev. Dr. Bascom. A committee was immediately appointed to draw

up a Reply to this document. On the same day the following communication was received from the bishops:—

"*To the General Conference.*

"Rev. and Dear Brethren,—As the case of Bishop Andrew unavoidably involves the future *action* of the superintendents, which, in their judgment, in the present position of the bishop, they have no discretion to decide upon; they respectfully request of this General Conference *official* instruction in answer to the following questions:—

"1. Shall Bishop Andrew's name remain as it now stands in the Minutes, Hymn-book, and Discipline, or shall it be struck off of these official records?

"2. How shall the bishop obtain his support? As provided for in the form of Discipline, or in some other way?

"3. What work, if any, may the bishop perform; and how shall he be appointed to the work?

"Joshua Soule,
"Elijah Hedding,
"Beverly Waugh,
"Thomas A. Morris."

The following resolutions, offered by the Rev. J. T. Mitchell, contain the response of the General Conference:—

"1. Resolved, as the sense of this conference, That Bishop Andrew's name stand in the Minutes, Hymn-book, and Discipline, as formerly.

"2. Resolved, That the rule in relation to the support of a bishop, and his family, applies to Bishop Andrew.

"3. Resolved, That whether in any, and if any, in what work, Bishop Andrew be employed, is to be determined by his own decision and action, in relation to the previous action of this conference in his case."

The Reply to the Protest was read by Dr. Durbin, on the 10th of June, and ordered to be spread upon the Journals.

In the mean time, on the 8th of June, the report of the committee of nine on the Declaration of the Southern delegates was read and adopted. (See Journals, pp. 133–137.) This report contained provisional arrangements for a territorial division, and a division of the property, if the southern portion should find it necessary to form a distinct and independent ecclesiastical connection.

The reader now has before him the documentary history of the whole case. The Declaration, the Protest, the Defense of the Protest, by Dr. Bascom, and the Report of the committee on division, adopted by the Louisville Convention, set forth the reasons and ground for refusing to submit to the action of the General Con-

ference, and for organizing a separate church, as viewed by our southern brethren. I shall now proceed to examine the leading positions and arguments of these documents. The Protest contains the fundamental principles of the argument in favor of the southern movement. The Reply, though hastily drawn up, contains the gist of the argument in defense of the action of the General Conference, and remains unimpaired, so far as I can see, after all the strength which Dr. Bascom and others have exhausted upon it. It is now necessary to re-examine the Protest and the Reply, and with the aid that subsequent publications afford us perhaps we may come to a safe conclusion as to where the truth lies.

§ IV.—*The Compromise.*

The first objection to the action of the General Conference which I shall notice is, that it is a violation of a "compact" or "treaty" which had long existed between the north and the south upon the subject of slavery. The protesters say,—

"The whole subject is, in the very nature of things, resolved into a single original question: Will the General Conference adhere to, and in good faith assert and maintain, the compromise law of the church on the vexed question dividing us—or will it be found expedient generally, as in the case of Bishop Andrew, to lay it aside, and tread it under foot? . . . . Law always pledges the public faith of the body ostensibly governed by it to the faithful assertion and performance of its stipulations; and the compromise law of the Discipline, partaking, as it does, of the nature of the law of treaty, and embracing, as has been seen, all possible cases, pledges the good faith of every minister and member of the Methodist Episcopal Church against saying or doing anything tending to annul the force or thwart the purposes of its enactment."—*Protest, Journal*, p. 190.

The Reply very properly denies that there is anything in the existing law upon slavery that partakes of the nature of a "treaty" or "compact," though it concedes that the law is of force, and must be kept according to its true nature and intent.

Dr. Bascom materially varies from the position of the Protest in his Review. He states the question thus:—

"The first general topic claiming attention, is the *compromise character of the general law of slavery* in the Methodist Episcopal Church; its assumption by the south in their Protest, and its denial by the north in their rejoinder. To prevent misapprehension, it may be well to state here, and once for all, that the term compromise is used in the Protest in its most ordinary popular acceptation, in connection with legislation, to denote a mutual agreement to adjust difficulties, in the shape of a legal arrangement—some general rule or law, upon the

grounds of mutual concession and forbearance, by the parties legislating, acting as the authorized representatives of the more primary parties immediately interested."—*Review*, pp. 5, 6.

Again he says,—

"I am not at all careful or tenacious about words or phrases. My object is, to make it appear to the satisfaction of the candid and well-informed, that for the last thirty years I have been taught, and taught too by the ablest masters in our common Israel, that the whole legislation of the church, on the subject of slavery, but especially from 1800 to 1816, originated in mutual concession and compromise, between men representing the church north and south, and, therefore, that the law of the church is, *ipso facto*, a compromise, as assumed in the Protest of the minority at the late General Conference, the principles and the positions of which it is the object of this publication to defend."—*Ibid.*, p. 9.

This I say is changing the question at issue between the Protest and the Reply. The Protest uses the word "compromise" as synonymous with "compact" and "treaty;" and the Reply so construes the Protest, and only denies that the law of the Discipline on slavery is a compromise in that sense. What the Reply denies is,

"that there has been some period when the question of slavery was settled in the Methodist Episcopal Church as it was in the general government at the adoption of the federal constitution,—that 'the confederating Annual Conferences,' 'after a vexed and protracted negotiation,' met in convention, and the section on slavery 'was finally agreed to by the parties after a long and fearful struggle,' as 'a compact,' 'a treaty,' which cannot be altered by the General Conference until certain constitutional restrictions are removed."—*Reply, Journal*, p. 203.

This is what the committee who drew up the Reply supposed the Protest asserted, and is what they objected to. But Dr. Bascom, in his Review, instead of attempting to show that the committee had misapprehended the language of the Protest, or to prove its correctness, falls upon the word "compromise, in its most ordinary popular acceptation;" and labors through forty-one of his large pages to prove that the law of the Discipline on slavery is a compromise in this sense. Through the whole of this space he beats the air by proving what the Reply does not deny, and what I presume no northern man will for a moment be disposed to deny. What we maintain is, that the law on slavery (excepting, of course, the general rule) is a simple statute, which the General Conference has a right at any time to alter; and not a compact, a treaty, or a part of the constitution proper. That the law was passed in the spirit of compromise no one will deny. It was a concession to circumstances that the conference could not control or modify.

I of course have no occasion to follow Dr. B. through his long argument upon "the compromise character of the general law of slavery." He makes a false issue, and will meet with no opponent from this quarter. But to go a little further into the subject. Whence all this ado about the "compromise," "compact," or "treaty;" since, whatever be the nature of the law, the majority of the General Conference steadily maintained that they had not in the least infringed upon its provisions? The Reply maintains this position, and the north still stands upon it. It must first be proved that the law has been infracted; and then, in attempting to show the magnitude of the offense of the "dominant majority," it would be pertinent to inquire into the nature and history of the law. And if it could fairly be made out that the General Conference did, in the case of Bishop Andrew, contravene the existing law, and that the law so contravened is of the nature of a most solemn and sacred treaty, and a part of the constitution, then the separation would stand upon a solid foundation. But the whole of this ground is contested. We of the north maintain that no existing law, in the case in question, was infringed; and that the law which it is alledged has been infringed is a simple statute of the Discipline, and nothing else.

§ V.—*Laws of the Discipline on Slavery.*

So much has been said of the nature of the laws of the Discipline on slavery, that I shall here give them in full, with the date of each, that the reader may have the whole before him, and be able to judge of the character of the existing law in the light of the documentary history of the whole subject.

The following are the provisions on slavery previous to the year 1784:—

"1780. *Quest.* 16. Ought not this conference to require those traveling preachers who hold slaves to give promises to set them free?

"*Ans.* Yes.

"*Quest.* 17. Does this conference acknowledge that slavery is contrary to the laws of God, man, and nature, and hurtful to society; contrary to the dictates of conscience and pure religion, and doing that which we would not others should do to us and ours? Do we pass our disapprobation on all our friends who keep slaves, and advise their freedom?

"*Ans.* Yes."

"1783. *Quest.* 10. What shall be done with our local preachers who hold slaves contrary to the laws which authorize their freedom in any of the United States?

"*Ans.* We will try them another year. In the mean time let every

assistant deal faithfully and plainly with every one, and report to the next conference. It may then be necessary to suspend them."

In 1784 the following regulations were passed:—

"*Quest.* 13. What shall we do with our local preachers who will not emancipate their slaves in the states where the laws admit it?

"*Ans.* Try those in Virginia another year, and suspend the preachers in Maryland, Delaware, Pennsylvania, and New-Jersey."

"*Quest.* 22. What shall be done with our traveling preachers that now are, or hereafter shall be, possessed of slaves, and refuse to manumit them where the law permits?

"*Ans.* Employ them no more."

"*Quest.* 42. What methods can we take to extirpate slavery?

"*Ans.* We are deeply conscious of the impropriety of making new terms of communion for a religious society already established, excepting on the most pressing occasion: and such we esteem the practice of holding our fellow-creatures in slavery. We view it as contrary to the golden law of God, on which hang all the law and the prophets, and the unalienable rights of mankind, as well as every principle of the revolution, to hold in the deepest debasement, in a more abject slavery than is perhaps to be found in any part of the world except America, so many souls that are all capable of the image of God.

"We therefore think it our most bounden duty to take immediately some effectual method to extirpate this abomination from among us: and for that purpose we add the following to the rules of our society, viz.:—

"1. Every member of our society who has slaves in his possession, shall, within twelve months after notice given to him by the assistant, (which notice the assistants are required immediately, and without any delay, to give in their respective circuits,) legally execute and record an instrument, whereby he emancipates and sets free every slave in his possession who is between the ages of forty and forty-five immediately, or at furthest when they arrive at the age of forty-five.

"And every slave who is between the ages of twenty-five and forty immediately, or at furthest at the expiration of five years from the date of the said instrument.

"And every slave who is between the ages of twenty and twenty-five immediately, or at furthest when they arrive at the age of thirty.

"And every slave under the age of twenty, as soon as they arrive at the age of twenty-five at furthest.

"And every infant born in slavery after the above-mentioned rules are complied with, immediately on its birth.

"2. Every assistant shall keep a journal, in which he shall regularly minute down the names and ages of all the slaves belonging to all the masters in his respective circuit, and also the date of every instrument executed and recorded for the manumission of the slaves, with the name of the court, book, and folio, in which the said instruments respectively shall have been recorded: which journal shall be handed down in each circuit to the succeeding assistants.

"3. In consideration that these rules form a new term of commu-

nion, every person concerned who will not comply with them shall have liberty quietly to withdraw himself from our society within the twelve months succeeding the notice given as aforesaid: otherwise the assistant shall exclude him in the society.

"4. No person so voluntarily withdrawn, or so excluded, shall ever partake of the supper of the Lord with the Methodists, till he complies with the above requisitions.

"5. No person holding slaves shall in future be admitted into society, or to the Lord's Supper, till he previously complies with these rules concerning slavery.

"N. B. These rules are to affect the members of our society no further than as they are consistent with the laws of the states in which they reside.

"And respecting our brethren in Virginia that are concerned, and after due consideration of their peculiar circumstances, we allow them two years from the notice given, to consider the expedience of compliance or non-compliance with these rules.

"*Quest.* 43. What shall be done with those who buy or sell slaves, or give them away?

"*Ans.* They are immediately to be expelled; unless they buy them on purpose to free them."

"Not more than six months had elapsed after the adoption of these last rules before it was thought necessary to suspend them. Accordingly, in the Annual Minutes for 1785 the following notice was inserted:—

"'It is recommended to all our brethren to suspend the execution of the minute on slavery till the deliberations of a future conference; and that an equal space of time be allowed all our members for consideration, when the minute shall be put in force.

"'N. B. We do hold in the deepest abhorrence the practice of slavery; and shall not cease to seek its destruction by all wise and prudent means.'

"This note does not seem to refer to Question 43, (1784,) as it, with the same answer, was retained in the Discipline of 1786. From this till 1796 no mention, it would seem, was made of the subject except in the General Rules.

"1796. The following section was introduced on the subject:—

"'*Quest.* What regulations shall be made for the extirpation of the crying evil of African slavery?

"'*Ans.* 1. We declare, that we are more than ever convinced of the great evil of the African slavery that still exists in these United States, and do most earnestly recommend to the yearly conferences, quarterly meetings, and to those who have the oversight of districts and circuits, to be exceedingly cautious what persons they admit to official stations in our church; and in the case of future admission to official stations, to require such security of those who hold slaves, for the emancipation of them, immediately or gradually, as the laws of the states respectively, and the circumstances of the case will admit; and we do fully authorize all the yearly conferences to make whatever regulations they judge proper, in the present case, respecting the admission of persons to official stations in our church.

"'2. No slaveholder shall be received into society till the preacher who has the oversight of the circuit has spoken to him freely and faithfully on the subject of slavery.

"'3. Every member of the society who sells a slave shall immediately, after full proof, be excluded the society. And if any member of our society purchase a slave, the ensuing quarterly meeting shall determine on the number of years in which the slave so purchased would work out the price of his purchase. And the person so purchasing shall, immediately after such determination, execute a legal instrument for the manumission of such slave, at the expiration of the term determined by the quarterly meeting. And in default of his executing such instrument of manumission, or on his refusal to submit his case to the judgment of the quarterly meeting, such member shall be excluded the society. *Provided also*, that in the case of a female slave, it shall be inserted in the aforesaid instrument of manumission, that all her children, who shall be born during the years of her servitude, shall be free at the following times, namely: every female child at the age of twenty-one, and every male child at the age of twenty-five. *Nevertheless*, if the member of our society executing the said instrument of manumission judge it proper, he may fix the times of manumission of the children of the female slaves before mentioned at an earlier age than that which is prescribed above.

"'4. The preachers and other members of our society are requested to consider the subject of negro slavery with deep attention till the ensuing General Conference: and that they impart to the General Conference, through the medium of the yearly conferences, or otherwise, any important thoughts upon the subject, that the conference may have full light, in order to take further steps toward the eradicating this enormous evil from that part of the church of God to which they are united.'

"1800. The following new paragraphs were inserted:—

"'2. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the state in which he lives.'

"'6. The Annual Conferences are directed to draw up addresses for the gradual emancipation of the slaves, to the legislatures of those states in which no general laws have been passed for that purpose. These addresses shall urge, in the most respectful but pointed manner, the necessity of a law for the gradual emancipation of the slaves; proper committees shall be appointed, by the Annual Conferences, out of the most respectable of our friends, for the conducting of the business; and the presiding elders, elders, deacons, and traveling preachers, shall procure as many proper signatures as possible to the addresses, and give all the assistance in their power in every respect to aid the committees, and to further this blessed undertaking. Let this be continued from year to year, till the desired end be accomplished.'

"1804. The following alterations were made:—

"The question reads,—'What shall be done for the extirpation of the evil of slavery?'

"In paragraph 1 (1796) instead of 'more than ever convinced,' we have, 'as much as ever convinced,' and instead of, 'the African slavery which still exists in these United States,' we have 'slavery.'

"In paragraph 4, (3 of 1796,) respecting the selling of a slave, before the words 'shall immediately,' the following clause is inserted:—'except at the request of the slave, in cases of mercy and humanity, agreeably to the judgment of a committee of the male members of the society, appointed by the preacher who has the charge of the circuit.'

"The following new proviso was inserted in this paragraph:—'*Provided also*, that if a member of our society shall buy a slave with a certificate of future emancipation, the terms of emancipation shall, notwithstanding, be subject to the decision of the quarterly meeting conference.' All after '*nevertheless*' was struck out, and the following substituted:—'The members of our societies in the states of North Carolina, South Carolina, Georgia, and Tennessee, shall be exempted from the operation of the above rules.' The paragraphs about considering the subject of slavery and petitions to legislatures, (namely, No. 4 of 1796, and No. 6 of 1800,) were struck out, and the following added:—

"'5. Let our preachers, from time to time, as occasion serves, admonish and exhort all slaves to render due respect and obedience to the commands and interests of their respective masters.'

"1808. All that related to slaveholding among private members (see 2 and 3 of 1796) struck out, and the following substituted:—

"'3. The General Conference authorizes each Annual Conference to form their own regulations relative to buying and selling slaves.'

"Paragraph 5 of 1804 was also struck out.

"1812. Paragraph 3 of 1808 was altered so as to read,—

"'3. Whereas the laws of some of the states do not admit of emancipating of slaves without a special act of the legislature; the General Conference authorizes each Annual Conference to form their own regulations relative to buying and selling slaves.'

"1816. Paragraph 1 (see 1796) was altered so as to read,—

"'1. We declare that we are as much as ever convinced of the great evil of slavery: therefore no slaveholder shall be eligible to any official station in our church hereafter, where the laws of the state in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom.'

"1820. Paragraph 3, (see 1812,) leaving it to the Annual Conferences 'to form their own regulations about buying and selling slaves,' was struck out.

"1824. The following paragraphs added:—

"'3. All our preachers shall prudently enforce upon our members the necessity of teaching their slaves to read the word of God; and to allow them time to attend upon the public worship of God on our regular days of divine service.

"'4. Our colored preachers and official members shall have all the privileges which are usual to others in the district and quarterly conferences, where the usages of the country do not forbid it. And the

presiding elder may hold for them a separate district conference, where the number of colored local preachers will justify it.

"'5. The Annual Conferences may employ colored preachers to travel and preach where their services are judged necessary; provided that no one shall be so employed without having been recommended according to the form of Discipline.'"—*History of the Discipline*, pp. 14, 15, 19, 21, 22, 43, 44, 274–279.

Now here are several facts standing out prominently. *First.* That our fathers commenced with stern opposition to slavery both in the ministry and membership; and on the organization of the church, in 1784, took measures wholly to eradicate it from the connection. *Secondly.* Finding the laws of several of the states did not admit of emancipation, they judged it necessary to make exceptions. *Thirdly.* That the anti-slavery character of the Discipline still remains, the holding of slaves only being tolerated in a traveling preacher where "emancipation" is not "practicable" under "the laws of the state in which he lives." *Finally.* That the General Conference kept a steady eye to the moral and religious improvement of the slaves.* It is a perfectly clear deduction

* General Conference action upon this subject has often been sadly misrepresented. Take the following instance, from my much-esteemed friend, Dr. Capers:—"Look at the disciplinary rules which have been passed from time to time, examine the history of all our struggles in General Conference, and you will be mortified to find how absent from the minds of the emancipators a care of the negro's soul has been; while their conceit of philanthropy has carried it strongly against the gospel in the church of Christ."—*Letter to Dr. Bangs: Southern Christian Advocate*, Dec. 20, 1844.

I hope upon a review of "the disciplinary rules" on slavery, the good doctor will be able to find some recognition of the fact that *negroes* have *souls*. I would refer him especially to answers 3, 4, and 5, sec. x, of the Discipline. These are the last rules made by the General Conference on the subject of slavery. The following note, from Emory's "History of the Discipline," is also worthy of his attention:

"The Methodists in America have from the first taken an active part in promoting the welfare of the colored people. In the Annual Minutes for 1787 we find the following:—

"'*Quest.* 17. What directions shall we give for the promotion of the spiritual welfare of the colored people?

"'We conjure all our ministers and preachers, by the love of God, and the salvation of souls, and do require them, by all the authority that is invested in us, to leave nothing undone for the spiritual benefit and salvation of them, within their respective circuits or districts; and for this purpose to embrace every opportunity of inquiring into the state of their souls, and to unite in society those who appear to have a real desire of fleeing from the wrath to come; to meet such in class, and to exercise the whole Methodist discipline among them.'"—P. 274.

from the plain letter of the law, as it now stands in the book, that no traveling preacher can be a slaveholder unless he is appointed by the bishop to labor within the bounds of a state or territory where "legal emancipation" is not "practicable:" in no other case can a traveling preacher claim exemption under the law as a slaveholder. In order then for our southern brethren to make out their charge against the General Conference of a gross violation of the law on the subject of slavery in its action in the case of Bishop Andrew, they must prove that the bishop, by virtue of his office, and in the prosecution of its functions, must necessarily live within the bounds of a state where emancipation is not practicable: this they have not as yet even attempted, though the majority in the late General Conference steadily made this issue, and kept it constantly in view.

Dr. Bascom has made an effort to prove that the offensive laws on slavery were made by a dominant northern majority, and that "parties were as distinctly marked sixty years ago as now:"—

> "It is true, in early times the north and south would have been about equal in numbers and strength, had the Baltimore Conference acted with the south, where geographically and politically she properly belongs. That conference, however, has always cherished affinities for the north, and continues to do so, and this fact has secured to the north the power of the church for sixty-five years or more. Contrary, therefore, to the round assertion of the Reply, the preponderance of strength has always been in the north. Upon this misstatement of fact, and the consequent inconclusive reasoning of the respondents, it is not necessary to enlarge. Numerous facts support our general position."—*Review*, pp. 23, 24.

Now if the doctor is right in his views of the state of the question, north and south, he certainly is not right in imputing an adverse opinion to the Reply: for what he calls "the round assertion of the Reply" is nowhere found in that document. The doctor probably saw this "assertion" somewhere else, where I wot not, nor is it material. But I am sorry our learned friend is so very anxious to load the Reply with odium as to charge upon it falsehoods which it nowhere utters. He meets the case so formally and zealously, that I scarcely thought of looking into the Reply for the evidence of the truth of his allegation; but was casting about for data to justify "the round assertion" which I supposed was verily to be found somewhere in it: but finally wishing to find the place, that I might examine the language for myself, I ran hastily over the pages without success. Supposing my failure to be the result of too much haste, or perhaps dullness of sight

brought on by a long sitting at my desk, I laid the matter over until I had refreshed myself with a walk, and then read the Reply all carefully through, but with as little success as before. How many similar blunders are contained in the doctor's book it will be difficult to tell, as he never gives specific references, and to ferret out all his numerous quotations is a task that few will ever undertake.

After all, I am disposed to doubt the truth of his assertions with regard to the state of parties. I am inclined to think, if the truth were known, (and known it is to some who are still living,) that the action against slavery, of which he speaks, was not the action of a dominant northern majority, but that it was a Methodist movement, and was far from being opposed by all the southern preachers, excepting "the Baltimore Conference," which, it seems, "has always cherished affinities for the north." Dr. Bascom has himself furnished us with the most conclusive evidence that there was at least one other southern conference that was decidedly anti-slavery. The following is the statement of the case:—

"After traveling nearly four years in the Ohio Conference, I was, in the autumn of 1816, transferred to the Tennessee Conference, of which I was a member until 1821. During this whole period, a fierce controversy was raging in that conference, on the subject of slavery and abolition, the abolitionists having a decided majority. The course and practice of the majority went to settle the principle, that no slaveholder, whatever might be the law of the state in the case, or his claims in other respects, should be received into the traveling connection, and no preacher, traveling or local, admitted to ordination, until he had first *in fact* emancipated his slaves. The minority contended that such a course was inconsistent with, and in violation of, the rights long secured to slaveholders, in states where emancipation was impracticable. The struggle was long and bitter, continuing from year to year, and at the Tennessee Conference in 1819, the minority, acting under the advice of Bishops M'Kendree and George, *protested* against the course of the majority, and appealed to the General Conference of 1820. Upon the presentation of the protest in conference, Bishop M'Kendree presiding, admitted it to record, against the declared will of the majority, and took occasion to address the conference at great length, on the course of the majority, and the subject of slavery in general; and as the interference of the conference with the subject had excited no little distrust and jealousy in the public mind, Bishop M'Kendree requested that he might be heard by some of the most influential citizens of Nashville, in which the conference sat; and at his request, I introduced into the conference the Hon. Felix Grundy and Oliver B. Hays, Esq., who listened to the address of Bishop M'Kendree with intense interest, and declared to the conference, that according to the address, the law of the church was not, as they had been led to suppose, in conflict with the laws of the state."—*Review*, p. 7.

This, upon the whole, is an interesting sketch. Here is a south-western conference—one of those that have separated from the Methodist Episcopal Church because of the "continued agitation" upon the subject of slavery, "the frequent action on that subject in the General Conference," and an expression of its "sense" that slaveholding in the episcopacy is inadmissible: one of the conferences whose delegates in 1844 signed the famous Protest, and which now constitutes a portion of "the Methodist Episcopal Church, South." This conference was, at least during Dr. Bascom's residence in it, an abolition conference, "the abolitionists having a decided majority." Was this "decided majority" made up of mad, "fanatical" Yankees? Was the Tennessee Conference one of those northern conferences, which for sixty years troubled and agitated the south, and oppressed them with proscriptive enactments, which have at least had a part in bringing about a separation of the south from the Methodist Episcopal Church? No, indeed! The Tennessee Conference was no northern conference—she was a Methodist conference of the old stamp all the while that Dr. Bascom was a member there, and indeed much longer; her decided "*abolition*" majority notwithstanding. It is in vain for our southern brethren to attempt to palm off upon the north all the agitations and General Conference action upon the vexed question of slavery for the last sixty years. We know, and they are obliged to concede, that there were many spirits among them—raised up among themselves—of the type of Finley and Cartwright, who first washed their own hands of the evil of holding their fellow-beings in involuntary servitude, and then preached to others the true Wesleyan doctrine upon that subject.* We know, for Dr. Bascom tells us, that there was, at least during the "whole period" between 1816 and 1821, *abolition agitations and anti-slavery conference action in the south.* How all this is consistent with the assertion that the anti-slavery movements in the General Conference have been wholly *northern* movements, and the action has been that of a dominant northern majority, and that the lines between the anti-slavery portions of the church and the others have for sixty-five years been drawn territorially, as they now seem to be—how these assertions accord with Dr. Bascom's own facts I need not say.

* I find, on an examination of the Journals, upon the committees which reported the offensive measures on slavery in 1800 and 1804, the names of Wm. M'Kendree, Jesse Lee, Geo. Dougherty, Philip Bruce, Wm. Burke, and Henry Willis, all southern men except Burke, who was a member of the Western Conference.

§ VI.—*Whether the Law, called at the South the Compromise Law, covers Bishop Andrew.*

The whole controversy now pending between the north and south hinges upon the simple question, whether the law, called by our southern brethren *the compromise law*, actually covers a bishop of the Methodist Episcopal Church. The majority in the late General Conference took the negative of this question, and the minority the affirmative. The question has now been largely discussed, and perhaps nearly all the light shed upon it that can be expected. The law and its object are thus expressed in the Discipline :—

"*Quest.* What shall be done for the extirpation of the evil of slavery?

"*Ans.* 1. We declare that we are as much as ever convinced of the great evil of slavery; therefore no slaveholder shall be eligible to any official station in our church hereafter, where the laws of the state in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom.

"2. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the state in which he lives."

The object of the law is "the extirpation of the great evil of slavery;" not its extension, its perpetuity, or even its protection. The measures proposed for the accomplishment of this object are two. *First*, depriving all slaveholders of the right of office in the church, where the laws of the state in which they live will admit of emancipation. And *secondly*, depriving all "traveling preachers" of their "ministerial character," who by any means become owners of a slave or slaves, unless they execute a legal emancipation, "if it be practicable, conformably to the laws of the state in which they live." The law imposes disabilities upon slaveholders, and requires all traveling preachers who have slaves to emancipate them. The object of the law is "the extirpation of the great evil of slavery." And the exception only applies to such as live within states where the laws do not admit of emancipation—where emancipation is not "practicable." The object of the law, then, will of course enforce its application everywhere except where the laws of the state oppose an insuperable barrier. This I may fairly presume will be readily admitted. Supposing a traveling preacher to be charged with owning a slave, the fact being admitted or proved, the settling of two points will fix his guilt or innocence in the eye of the law. *First*, where does he live; that is, where is

the conference, in which he holds his membership, located? And *secondly*, do the laws of the state in which he holds his membership, and receives his appointment, admit of emancipation? If a traveling preacher should see proper to locate his family far off from his charge, within the limits of another state—if he were to receive his appointment in Ohio, and should locate his family in Virginia or Mississippi—the question of residence would be settled, not by the location of his family, but by his membership and his station. The residence of a traveling preacher is only known in our economy by his membership in an Annual Conference, and his appointment by the bishop. But a bishop is not a member of any Annual Conference, and receives his appointment, when elected to office by the General Conference, *to preside over the whole church, east, west, north, and south.* What right, then, has a bishop to claim the protection of a law made only for the benefit of traveling preachers, whose residence is fixed to certain localities by virtue of their connection with the Annual Conference, and their appointment to labor within its bounds? If our episcopacy were diocesan, and a bishop were appointed to a southern diocese, embracing only such slaveholding states as do not admit of emancipation, then the bishop's residence being determined by his field of labor to be within such states, there would be reason in extending to him the protection of the law provided for such traveling preachers as live within states where the laws do not admit of emancipation. But this is not the character of our episcopacy. It is *general*, and by the nature of their office our bishops have no residence assigned them, but are, in the nature of the case, bound to select such a point as will best comport with the objects and purposes of their appointment. How this argument is met by the able reviewer, the reader shall now see.

"The Reply attempts to prove Bishop Andrew blameworthy, because a bishop is 'allowed to live where he pleases,' and it seems it would have pleased the repliers, and those they represent, had Bishop Andrew removed north, and so freed himself from slavery by expatriation. It so happens, however, that Bishop Andrew 'pleases' to live in Georgia, where he resided at the time of his election, and the Discipline, as we have seen, takes from the General Conference any right to disturb him in his connection with slavery, in that state. And as a bishop is kindly 'allowed to live where he pleases,' no blame can possibly attach to Bishop Andrew for not removing north."—*Review*, p. 98.

This Dr. Bascom may think a very pertinent and conclusive answer to the position of the Reply. But were I to say it is more specious than solid I should place upon it too high an estimate. I

will allow that it is quite flippant—that it talks up and "sounds smart"—but its sophistry is scarcely covered with a veil of gossamer. What the Reply means is obviously that the bishop is not obliged by his official relations to live in Georgia; and if a residence in that state prejudices the work to which he had been called, he ought to remove his residence to some other point where he would not be thus embarrassed, or relinquish his office. But the bishop does not choose to remove north. Very well. Of this the north do not complain, nor do "the repliers" require or even advise him to do so. But what they maintain is, that so long as he is not, by the terms of his office or the functions imposed upon him, necessarily located in Georgia, or any other state whose laws do not admit of emancipation, he has no right to the protection of a law made for, and expressly limited to, such as are, by the legitimate authority, appointed to labor in such states. But the bishop is "allowed to live where he pleases," and therefore "no blame can possibly attach to him for not removing to the north." Well, and supposing all our bishops should remove to Georgia and buy slaves, what then? As they are "allowed to live where they please," where would be our remedy? According to the Protest and the Review they are all traveling preachers, and they would be perfectly protected by the Discipline, and, though it were to effect the ruin of the whole church, the General Conference could not touch them.

But let us look at the object of the law. It proposes "the extirpation of the evil of slavery," and only suspends its efforts where insuperable difficulties are presented by the laws of the state. If then there is no necessary connection between the residence of a bishop in a state where the laws do not admit of emancipation, and the full performance of all the functions of his office, most certainly a slaveholding bishop is not covered by the spirit and intention of the law. For who would presume to urge that to have bishops who are not, by the conditions of their office or the nature of their work, obliged to reside in slaveholding states, who own slaves, is following out the objects of the law, whose express "intendment" is "the extirpation of the evil of slavery?" Supposing the question and answer to stand thus: "What shall be done for the extirpation of the evil of slavery? Answer. Let the bishop or bishops *who may choose* to live in the states whose laws do not admit of emancipation, *hold slaves ad libitum*." Would there not be a manifest incongruity in such an answer? And yet this absurd answer is a perfect parallel with the construction of the law contended for by our southern brethren.

But in addition to the reasons derived from the spirit and intentions of the law in question, as urged in the Reply, the *letter* of the law does not include bishops; for it cannot be proved that bishops are embraced in the phrase "traveling preachers." For, as the Reply urges, "so far as judicial proceedings are concerned, the Discipline divides the church into four classes, private members, local preachers, traveling preachers, and bishops; and establishes distinct tribunals, and different degrees of responsibility for each." In addition to the consideration, that the trial of a bishop is specially provided for, and his case is not understood as embraced under the general provision for the trial of traveling preachers, "the bishops" are mentioned separately, as forming a class by themselves, independent of the traveling preachers proper, no less than five times in one section of the Discipline. The instances are in section v, part 2: "The annual allowance of the married, traveling, supernumerary, and superannuated preachers, and the bishops, shall be," &c. The same formulary occurs successively in each of the first five paragraphs of this section. This instance, at least so far fixes the technical use of the phrase "traveling preachers," as to throw our opponents upon the necessity of proving that in the law in question it *necessarily* embraces bishops; and a failure to do this renders their whole argument utterly nugatory. This the Protest attempts, but with what success the reader, after a very brief examination, can judge. Thus it proceeds:—"Is there anything in the law or its reasons creating an exception in the case of bishops?" The Reply shows there is something both "in the law" and "its reasons" "creating an exception in the instance of bishops." And for this conclusion I have given additional reasons above, which I need not repeat. The Protest proceeds:—"Would the south have entered into the arrangement, or in any form have consented to the law, had it been intimated by the north that bishops must be an exception to the rule?" Possibly they would not: but we of the north have yet to learn that the south had the most distant idea at the time this famous "compromise law" was enacted, that it included bishops. And certain I am, that the argument may be retorted with full effect. We may ask, with reason and with emphasis, Would the north have entered into the arrangement, or in any form consented to the law, had it been intimated by the south that bishops must be included in the rule? And especially if the understanding had been that the law was to be "like the laws of the Medes and Persians, which alter not," who can suppose that "the virtuous dead of the north" would ever thus have bound themselves and the church in all future time, in a "compact" or "treaty" which might in its

practical operation give the high sanction of all the bishops to "the great evil of slavery," without the possibility of a remedy? Those who can for a moment entertain such an opinion, arrive at their conclusions by mental processes which are to me unaccountable. That frigid, stubborn northern majority which Dr. Bascom tells us produced all the anti-slavery laws of the Discipline, would hardly have consented to labor "for the extirpation of the great evil of slavery" at such a rate. A law which would protect the bishops in settling themselves in the slaveholding states whose laws do not admit of emancipation, and purchasing slaves or receiving bequests in that species of property, would never have passed in 1804 or 1816; and I doubt whether the protesters, upon reflection, would seriously assert the contrary. Again:

"Are the virtuous dead of the north to be slandered by the supposition that they intended to except bishops, and thus accomplished their purposes, in negotiation with the south, by a resort to deceptive and dishonorable means?"—*Protest*, *Journal*, p. 189.

This is mere declamation; utterly without force, proceeding as it does upon the false assumption that there was a "negotiation with the south," and that it was the intention of the parties to include bishops in the law which was provided for those "traveling preachers" who lived in certain slaveholding states. This we do not admit, and our opponents can never prove. But then further:

"If bishops are not named, no more are presiding elders, agents, editors—or indeed any other officers of the church, who are nevertheless included, although the same rule of construction would except them also."—*Ibid.*

These officers are differently situated, nor does "the same rule of construction except them also;" unless they are, by the nature of the work assigned them, necessarily residents in slaveholding states, and in that case I admit all the Protest asks for.

But I must not be understood as asserting that bishops are not in any proper sense traveling preachers. Indeed the Reply does not assert this. One of the southern delegates, in an earnest speech in the late General Conference, demanded with emphasis, "Are not our bishops *preachers?* Do they not *travel?* Are they not then *traveling preachers?*" This conclusion is perfectly legitimate, and yet it proves nothing in relation to the point at issue. That our bishops travel and preach everybody knows; and that they are consequently traveling preachers in the popular sense, no one would be so foolish as to deny. But that they constitute a class of officers by themselves is equally obvious, and is fully

asserted by our southern brethren. When a traveling elder is made a bishop he gains some new attributes, and loses some old ones. He acquires some new powers and immunities, and forfeits some he formerly held. Among the things he loses are his membership in the Annual Conference, his right to a vote, his obligation to take an appointment upon a circuit, station, or district; and by consequence, he loses also his right to claim the protection of the law upon slavery, made only for such as from the nature of their conference connections are obliged to live in slaveholding states where the laws do not admit of emancipation. Our position is this: that such are the peculiarities of the episcopal office and work, and such the peculiarities of our bishops as a class—a class of *traveling preachers*, if our southern brethren will have it so—that in claiming for them any privilege or immunity as traveling preachers, it must be proved that it belongs to them as well as to other traveling preachers—that there is nothing in their peculiar circumstances which precludes the application of the rule or provision to them. This is the issue made in the Protest and met in the Reply. The Protest asks, "Is there anything in the law or its reasons creating an exception in the instance of bishops?" and the Reply answers: "There is, in both," and proceeds to adduce arguments to prove it.

Dr. Bascom assails the position of the Reply upon this point with all his power. But the great sophism he perpetrates consists in his supposing that because some of the attributes of traveling preachers still adhere to the episcopacy, therefore the bishops are "traveling preachers proper," and in such sense as entitles them to the exception of the rule on slavery. It is by this fallacious mode of reasoning that he labors to convict the Reply of inconsistencies and contradictions. I will give a specimen or two of Dr. B.'s mode of treating this point.

"The majority think the *law* cannot apply to bishops because the *mode of trial* is not the same as in the case of other traveling preachers. The same reasoning would exempt another class in like manner, as the mode of trial is not the same in the cases of traveling and local preachers; therefore the law of slavery cannot apply to local preachers, as they are not named any more than bishops."—*Review*, p. 72.

Local preachers hold an "official station in our church," most surely; and, of course, need not be further alluded to. And we will allow Dr. Bascom to put down bishops in the same category, if he pleases. Again the doctor says:—

"With regard to the trifling salary regulation of 1836, unless the General Conference regarded bishops as *traveling preachers proper*, they

violated the plain letter of the constitution in allowing them any salary at all."—*Review*, p. 72.

Bishops are undoubtedly regarded as traveling preachers in such a sense as to entitle them to a "salary." But there are peculiarities in their case which necessarily deprive them of the support allowed ordinary traveling preachers, and require special provisions. And again the doctor says:—

"If the bishops are excluded from subjection to the law of slavery because not named, then are they equally excluded in the instance of many of the most important laws of the church, as in many of its most cardinal regulations they are not named at all."—*Ibid.*, p. 73.

Now, the difference in the two cases is, that, in these "cardinal regulations," the bishops are evidently implied. But it devolves upon the doctor to prove that they are embraced in the provision for residents in slaveholding states. This is the point which he always assumes, but which we have never conceded. Again, the doctor turns, most cuttingly, upon the repliers:—

"This whole attempt to deprive bishops of the *protection*, and yet subject them to the *restraints*, of the law of slavery, must strike all as extraordinary, to say the least of it, and we are compelled to think that, but for the good fortune of such folly, as it seems to us, in having able supporters, its success would be slender indeed."—*Ibid.*

Now this is, all in all, one of the most curious passages I have met in the doctor's book. It seems to our learned friend a most unaccountable, though, in some respects, a most *fortunate*, piece of "folly" to deprive the bishops of the *protection* of the law of slavery, and yet subject them to its *restraints*. But this is just such folly as I am foolish enough to think worthy of the wisest head in the land, either north or south. The law of slavery *protects* those who live in states which do not admit of emancipation, and *restrains* all the rest. Now, the doctor thinks it "must strike all as extraordinary," and as an instance of great "folly," that we should deprive a class of men of the protection, while we subject them to the restraits, of this law. Verily, we thought it a matter of course, as the restraint is the general rule, and the protection the mere exception, that the restraint would cover more ground than the protection: for, if this were not the case, it would be no restraint at all. I always supposed that all the traveling preachers in the non-slaveholding states were deprived of the protection of the law on slavery, and, at the same time, too, subjected to its restraints. And yet, this is a strange piece of folly, according to Dr. Bascom's way of thinking: for, according to him, the only

wise legislation upon the subject would be to protect, by law, all in the practice of holding slaves, who are restrained, by the law, from holding them! The doctor's assault is strangely absurd, either upon our theory of the episcopacy or his own; and is only consistent with common sense upon the false supposition that the Reply denies that bishops are, in any sense, traveling preachers—a supposition not supported by a shadow of proof.

§ VII.—*Recent Acts of the General Conference on Slavery.*

It is contended that the General Conference of 1844, in the cases of Mr. Harding and Bishop Andrew, violated the solemn pledges which had been given by preceding General Conferences.

Dr. Bascom says:—

"The General Conference of 1836, by solemn resolution, declared, 'We wholly disclaim any *right*, *wish*, or *intention* to *interfere* in the *civil* and *political* relation between master and slave, as it exists in the slaveholding states in this Union.' Here the relation between master and slave is '*civil* and *political*,' and the conference disavows any 'right' to 'interfere.' Georgia was a slaveholding state—Bishop Andrew a citizen and master, and the late General Conference declared that the '*civil* and *political*' relation existing between him and his slaves must be dissolved, or he cease to be a bishop of the Methodist Episcopal Church, except in a state of suspension—that is, hung up for further punishment. Take the public faith of the church, as pledged to James O. Andrew, in the resolution above, and then turn to the redemption of that pledge by the late General Conference, and tell us which is laboring under the greater 'impediment,' and which ought to 'desist' until it is removed? In the address of the bishops in 1836, they say, 'From a calm and dispassionate survey of the whole ground, we have come to the solemn conviction, that the only safe, Scriptural, and prudent way for us, both as ministers and people, to take, is *wholly to abstain* from this agitating subject.' What deference did the majority of the late General Conference extend to this advice? In all the General Conference *olympiads* of the church, has any one been half as much distinguished by agitation as was the close of the last?"—*Review*, p. 20.

There is a very wide difference between disclaiming a right "to interfere in the civil and political relation between master and slave," and saying that "the relation between master and slave is '*civil* and *political*.'" The General Conference of 1836 never intended to indorse the doctrine that slavery, "as it exists in the slaveholding states in this Union," is wholly a "civil and political" institution, with which ecclesiastical bodies have nothing to do. The relation between master and slave is of a mixed character. Where it is authorized and regulated by law, it is, of course, partly

"civil and political," but it is not wholly so, because the relation involves the principles of moral justice and Christian charity. The church may regard slavery as a moral question, and, even in slaveholding states, treat it as such, so far as her Discipline legitimately extends, without interfering with the "civil and political relation." Where the church is not able to abolish this relation, she may make it a matter of ecclesiastical discipline—may see that its evils do not extend beyond the necessity of the case. Indeed, so far as her own members are concerned, she is bound to do this by the plainest examples of the New Testament.

As to the advice of the pastoral letter, "wholly to abstain from this agitating subject," the last thing I should have supposed was that it was a pledge that no future General Conference would ever meddle with slavery at all. Did our southern brethren really suppose that, in these acts, the General Conference made a solemn promise never again to utter a word upon the vexed question, even though the slave principle should break over all its ancient barriers, and should threaten the church with destruction? If these were their views, they ought, in all fairness, to have given us notice of them: for I can assure them that northern men would never have contributed to the imposition of such an absurd and ruinous restriction upon the future legislation of the church. Indeed, they too well understood the powers of the General Conference to suppose for a moment that it had any right to do so. There was no "public faith pledged to James O. Andrew," in these acts, to protect him as a slaveholder, and receive him as a bishop of the Methodist Episcopal Church at the north, should he see proper to assume this new character. It is a new doctrine that the resolutions of a General Conference are *public pledges*—that, whatever change of circumstances may take place, and however much additional light may be reflected upon the subject by the lapse of time, no change whatever shall ever be made. The emergency which has called forth this strange conceit is this: Our southern brethren think themselves obliged to leave us. And, as there are many who doubt the propriety of the course, a strong case must be made out for their satisfaction. The north, "the dominant majority," must be shown unworthy of southern confidence—not only reckless fanatics, but false-hearted hypocrites—"covenant breakers," and what not. All this is gross injustice to the north; and, in our turn, we must enter our *solemn protest* against so sweeping a sentence of condemnation.

Dr. Bascom repeatedly quotes, with great emphasis, the resolution passed by the General Conference of 1840, in relation to the "Westmoreland case." The case was simply this: Several local

preachers, living in Westmoreland, Virginia, within the bounds of the Baltimore Conference, petitioned the General Conference for redress for having been deprived of the privilege of ordination by the Baltimore Conference, on the ground of their being slaveholders. This memorial was committed to a special committee, of which Dr. Bascom was chairman. Nothing was heard from the committee until the last session, at about ten or eleven o'clock at night, when a bare quorum was present, in a perfect state of exhaustion, and in too much of a hurry to adjourn to be really fit for business. At such a time, and under such circumstances, Dr. Bascom read his learned report; when, upon a motion for adoption, without a word of discussion, came down upon us, like a thunderbolt, from the presiding bishop, (Andrew,) "As many as are in favor," &c., and the work was done. Dr. Bascom says, "The report was adopted with great unanimity; in fact, without a negative voice in the body."—*Review*, p. 41. The doctor, I hope, will stand corrected when I assure him that I voted against the report, and I believe several others. I recollect distinctly my feelings upon the occasion. I thought it an artful document, which required time for examination and analysis. I saw that the resolution especially was so worded that it might be pressed into the service of a slaveholding episcopacy, and made the suggestion to a leading northern member who was near me, but he did not seem to sympathize with me in my apprehensions. All this, I am aware, does not invalidate the resolution, for it was the act of a constitutional quorum. But the reader will be able more accurately to appreciate the importance of the resolution, as expressive of the sentiment of the General Conference, and the weight which Dr. Bascom attaches to it, by an understanding of its authorship and the circumstances under which it was passed. The following is the resolution:—

"Resolved, by the delegates of the several Annual Conferences in General Conference assembled, That, under the provisional exception of the general rule of the church on the subject of slavery, the simple holding of slaves, or mere ownership of slave property, in states or territories where the laws do not admit of emancipation, and permit the liberated slave to enjoy freedom, constitutes no legal barrier to the election or ordination of ministers to the various grades of office known in the ministry of the Methodist Episcopal Church, and cannot, therefore, be considered as operating any forfeiture of right in view of such election and ordination."—*Journal of* 1840, p. 171.

Now, let it not be forgotten that the report was drawn up upon a memorial of several local preachers, who claimed to live in a

state where emancipation was not practicable. All the conference had a right to expect was, that the report would be made upon the case referred. But it seems the doctor thought it a fit occasion to generalize and settle the principle in relation to "the various grades of office known in the ministry of the Methodist Episcopal Church." This I thought at the time might be construed so as to apply to bishops, though I presume no one will venture to assert that a majority of the General Conference of 1840 would have voted for the resolution with such a view. Still, its language does not fully prove what Dr. Bascom would have it prove. It only applies to "states or territories where the laws do not admit of emancipation, and permit the liberated slave to enjoy freedom." Now, I have proved that a bishop has no claim to the protection of the rule made for those who, either as local preachers or members of conferences, live in such states, and, of course, the resolution does not embrace bishops. But what the author of the resolution intended to express is plain from the commentary he now puts upon it. It is as follows :—

"Here is a solemn declaration, to the church and the world, explanatory of an existing law, by the supreme judicial authority of the church, gravely announcing, that simple slaveholding, or ownership of slaves, in states and territories where emancipation is not practicable, and the liberated slave not allowed to enjoy freedom, is not, in any way, a legal barrier to election and ordination, and cannot operate any forfeiture of right, on the part of *any minister* of *any grade*, (deacon, elder, or bishop,) in the Methodist Episcopal Church. And yet, Drs. Durbin, Peck, and Elliott, as solemnly declare that the church has always let it be known that slaveholding, even under the provisional exception of the law, would, in the case of bishops, operate the forfeiture of right, which the General Conference stipulates, by formal decision, *shall not take place*, in the instance of *any* grade of ministers. And accordingly, without any change of the law, and in the very face of the above declaration of right, the last General Conference did, directly and outrightly, and under the precise circumstances specified, as rendering such action impossible, what the publicly pledged faith of the church had said, four years before, should not be done. Whether this amounts to the want of good faith, assumed in the Protest, let the good sense and upright feeling of the church and world determine."—*Review*, p. 41.

Now, we of the north know that Dr. Bascom intended, in this resolution, to pledge the "faith of the church," that the holding of slaves should not, in a bishop, operate any forfeiture of right to his office, provided he should see proper to take up his residence in a state where the laws do not admit of emancipation. But, did the General Conference actually make such a pledge? No one can prove that this was the understanding with which the resolution was passed. The doctor himself will not assert it. Had he given

his present commentary upon the report at the time it was read, he knows, exhausted and drowsy as were the members at the time, they would have voted it down instanter. With what face, then, does he now come forward and accuse the General Conference of 1844 with "the want of good faith assumed in the Protest," because they did not practice upon the resolution according to a construction which few, except the doctor himself, ever dreamed of?

These reiterated charges of a "want of good faith" are not pleasant, are not just, are utterly unbrotherly. Bad faith is a *high moral offense*. It implies a *false heart*—the violation of an engagement entered into *understandingly*. No person is chargeable with this crime unless there is good evidence to believe he has broken his promise, *according to his own understanding of it*. One might mistake the letter of a promise, in perfect good faith, through a misapprehension of its nature. Especially where the language and intention of a covenant is in controversy between the parties concerned, would it be premature and unkind for one party to charge the other with bad faith provided he should act upon his own construction. Much less ground is there for the charge where there is no covenant or promise at all, but merely a resolution of a General Conference, which any subsequent General Conference may rescind, alter, or modify at pleasure, and its language is believed, by a majority of the body accused, not to oppose any obstacle to the offensive action in the case of Bishop Andrew. We beseech our southern brethren to refrain from accusations which, if well founded, go to unchristianize us. Believe us, brethren, according to our view of the subject, the action of the late General Conference, in the case of Bishop Andrew, was a violation of no pledge—was in perfect harmony with the existing laws of the church, and was absolutely necessary. But I must not enlarge. Were I to give full scope to my feelings, I should transcend due bounds. I must hold in abeyance my grief and sorrow, and resume a strain of cool discussion.

§ VIII.—*Whether the Action of the late General Conference is a Violation of the Constitution of the United States.*

In the adoption of the federal constitution, the slave states reserved to themselves the right of legislating upon the subject of slavery. The following provision was also made for the benefit of southern slaveholders:—"No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up, on the claim of the

party to whom such service or labor may be due." Upon this Chief-justice Story observes :—" This clause was introduced into the constitution solely for the benefit of the slaveholding states, to enable them to recover their fugitive slaves who should escape into other states where slavery is not tolerated. It is well known, that, at the common law, a slave escaping into a state where slavery is not allowed would immediately become free, and could not be reclaimed. Before the constitution was adopted, the southern states felt the want of some protecting provision against such an occurrence to be a grievous injury to them. And we here see, that the eastern and middle states have sacrificed their own opinions and feelings, in order to take away every source of jealousy on a subject so delicate to southern interests ; a circumstance sufficient of itself to repel the delusive notion, that the south has not, at all times, had its full share in the blessings resulting from the Union."—*Exposition of the Constitution*, § 411.

The "compromise" of the federal constitution, for which Dr. Bascom contends, is admitted; and whether the north or the south conceded the most, or which gained the most, by the compact, I shall not now inquire. But I hope, in the good providence of God, it may be long before the extravagant folly of either north or south will be the means of dissolving the Union. But Dr. Bascom infers vastly too much from the compromise of the federal constitution. The reader shall have a few specimens of an immense mass of matter of the same sort contained in the doctor's book. He says,—

"The subject of slavery being, as all must admit, compromised in the constitution of the United States, and all citizens of all the states, free and slave, being parties to the compromise, *all* law, and of course *any possible form* of ecclesiastical law, not in harmony with this arrangement, must infringe the guaranty of the great national compact. If it be said, the church is a voluntary association, with fixed conditions of membership, it does not affect the reasoning, for every such compact, necessarily subject to the higher, is in *itself unlawful*, unless in conformity with the greater over-riding it, and to which every citizen of the United States is a party."—*Review*, p. 35.

Again :—

"But that the church has claimed, and continues to claim, the authority to interfere with the civil rights of her ministers, as it regards slave property, it is useless to deny, and the difficulty and delicacy of such claim must always connect with the fact, that by special compact and deliberate compromise, in the federal constitution, such rights are placed beyond the reach of any kind of infringement, without an invasion of constitutional right."—*Ibid.*, p. 37.

And again :—

"Was it competent for a free and sovereign people, in organizing a government for themselves, to decide that they would have among them, by allowing them to remain, a class of human beings, introduced into the country without their agency, by subjecting them to the kind of *inhabitancy* just described? If yea, then what right has a church to meddle with such civil arrangement? Is the right derived from their own *civil* relations? We have seen, that any original right they may have had, has been surrendered by contract. And what is their religious right? Before any can be established, they must first prove a right to resist civil authority."—*Review*, p. 39.

This is the process by which Dr. Bascom proves that the late General Conference, in its action in the case of Bishop Andrew, infringed the constitution of the United States, and interfered with "the civil rights" of the bishop, and, indeed, of the whole south. But the whole is pure fallacy. For, *first*, the constitution says nothing about church discipline, and imposes not the least barrier in the way of the treatment of moral questions upon the part of the church, or its ecclesiastical councils. Indeed, if it did so, it would be in conflict with itself, nor would it in such instances be morally binding, for the laws of God are paramount, to borrow the beautiful phraseology of Dr. Bascom, "over-riding" all human laws.

Secondly. We deny that the action of the late General Conference, in the case of Bishop Andrew, is out of "harmony" with the provisions of the constitution. When did the northern states concede that the Methodist Episcopal Church should have a bishop holding slaves? What connection has this question with any existing constitutional guaranty?

And *finally.* The action in question has no relation whatever to any *civil right* of either Bishop Andrew or any one else. Whence did the bishop derive his *civil right* to be a bishop of the Methodist Episcopal Church? Is this also guarantied in the federal constitution? So we must conclude, if we take Dr. Bascom for our expositor of its language.

But in order to make his argument upon the federal constitution plausible, Dr. Bascom assumes that the action of the late General Conference complained of was an abolition movement—part and parcel of a system of aggression upon "the civil and political" rights of the south. This we have explicitly denied from the first. It is only an attempt to repel southern aggression upon the *ecclesiastical rights* of the north. The conservatives of the north took no advance position in that instance. They did not, as they are constantly charged by the south with doing, go over to ultra-

abolitionism. They have always stood in opposition to a slaveholding episcopacy; and there has not been a moment since 1832 when it would not have been met by the northern majority with as stern and uncompromising opposition as it was in the General Conference of 1844. The learned doctor has made a false issue, and his labored argument upon the compromise of the states, and the provisions of the constitution, all depends upon it. The General Conference of 1844 violated no law, human or divine, in the action in question; they made no aggressive movement; they formed no coalition with the party which (right or wrong) are charged with perpetual aggressions upon southern rights. The majority of that conference are entitled to stand or fall upon their own acts, and this they demand before heaven and earth. The action in the case of Bishop Andrew is the act for which they demand to be tried. If that act, under all its attendant circumstances, is an infringement upon the federal constitution, and a death-blow to the union of the states, why then, after due forms of trial and conviction, hang us for traitors! But we must most earnestly and solemnly protest against being first mixed up with fanatics and madmen, and then subjected to a common fate with them. Let the conservative party of the north but stand upon their own foundation, and they will have nothing to fear from the judgment of posterity. Let their own simple acts constitute the basis of the charge, and they are ready to be tried.

But it is contended by Dr. Bascom that the late General Conference required Bishop Andrew to violate the penal laws of Georgia, or on failure be disfranchised of his office. This is not a fair statement of the case. The General Conference did require of him the competency for the office which he had when he was elected, and to desist from his episcopal functions until that object should be secured. If he could not do this, and reside in the state of Georgia, whose fault is that, pray? It has been said, and reiterated scores of times, that Bishop Andrew became a slaveholder *by necessity*. This is easily said; but it has not yet been proved. So far as his marriage is concerned, I believe no one alledges any necessity, either physical, legal, or moral. The slave possessed by "bequest" certainly did not necessarily make him a slaveholder, for no one in any state is obliged to receive a bequest; and as to the one which fell to him by his first wife, I know not enough of the circumstances to determine whether he necessarily came into possession of that *item* of his mother-in-law's estate or not. If really so, the north would, had this been the only instance, doubtless have exercised all reasonable forbearance, and have given the

bishop due time to dispose of the difficulty.* But admitting all that is claimed, that the bishop became a slaveholder by necessity, certainly the church is not responsible for that necessity, and ought not to suffer on account of it.

§ IX.—*Was the Action in the Case of Bishop Andrew unconstitutional?*

The question, whether we have a constitution, and if so, what it is, has been mooted at different periods in our history. The period between 1820 and 1828 was occupied by a controversy upon our church government. A party undertook to effect a radical change in our existing system, by the establishment of what they denominated a "constitution" which would provide for a "lay delegation in our General and Annual Conferences." This party maintained that we had no constitution; while "the old school" contended that the six restrictive rules were *de facto* a constitution. The question was largely debated, first in the Wesleyan Repository, and then in the Mutual Rights. Upon the question of a "constitutional test," which was brought up and discussed in the General Conference of 1824, the constitutional character of the restrictive rules was ably debated by James Smith, of Baltimore, a delegate from the Philadelphia Conference, and William Winans, of Mississippi. The first great speech the latter gentleman ever made in a General Conference was upon this question, and consisted in a strong argument to prove, in opposition to his eloquent opponent, that the restrictive rules contain all the elements of a constitution proper. To this speech I gave strict attention, as it was the first argument I had then heard upon that side of the question. I was predisposed to doubt the correctness of his position, but, not being able to answer his reasoning, I finally concluded he was right. The view he took of the subject I have from that time to this supposed to be the orthodox view. In it I am persuaded the whole south heartily acquiesced, for there was much glorying in that quarter in the triumph of their then young debater over the experienced and eloquent champion of reform. But now, it would seem, the south have changed their position. Dr. Bascom says,—

"We reject, and always have, as absurd and utterly untenable, the position, that the 'restrictive rules' are the constitution of the church."—*Review*, p. 67.

Two reasons are given for this view.

"The very proposition appended to the articles is sufficient, without anything else, to overthrow the pretension."—*Ib.*

* Since writing the above, I learn that the bishop has actually emancipated this slave, and he is now free in Ohio.

I am unable to feel the force of this reason, as I find no "proposition appended to the articles." The last article concludes the section; and there is no proposition connected with the articles in any way except the one which *precedes* them; and that is this: "The General Conference shall have full powers to make rules and regulations for our church, under the following limitations and restrictions." If this is his "appended" "proposition," though it is more properly *prefixed* than *appended*, I am at a loss to see how it overthrows the position at all.

Again, Dr. Bascom says,—

"Very little discernment is necessary to see, at once, that no government is established by these articles; they do not pretend to establish one, and of course, of necessity, cannot be a constitution, for all admit that a constitution is that which establishes and constitutes a government."—*Review*, p. 67.

This is a novel notion, at least to me. Absolute monarchies are certainly governments, and yet they have no constitution. Nor is it true, that "all admit that a constitution is that which establishes and constitutes a government:" for those who maintain that the restrictive rules are a constitution, never yet took it into their heads to doubt that the Methodist Episcopal Church had a goverment from 1784 to 1812—the period between the organization of the church and the first delegated General Conference.

Again, Dr. Bascom says,—"A constitution, further, means the *form* in which the governing power is exercised."—*Ib.*

This is but a part of the truth. For a constitution not only prescribes "the form in which the governing power is exercised," but fixes its boundaries. These instruments are of two classes. One, like the constitution of the United States, prescribes the duties and powers of the government in detail; and the other commits to the government the power of governing in general, under certain limitations and restrictions. Our constitution is of the latter class.

But the doctor admits that "such form is found in the restrictions in part. The restrictive articles are a part of the constitution of the Methodist Episcopal Church, and a small part only."—*Ib.*

Perhaps we ought to thank the learned author of the Review for admitting the restrictive rules to "a small" participation in the great constitutional provisions of our government. But he proceeds to tell us what is our constitution:—

"In a word, our only constitution is our book of statutes, rules, and regulations—the Discipline of the church. All these, essential either to the existence of the government or to secure the ends of its institu-

tion, are of constitutional force and validity, and by consequence parts of the constitution."—*Review*, p. 67.

Now though we think the doctor all wrong here, yet if we were to admit all he contends for, what would he gain? He would gain the advantage of being able to charge the General Conference with the sin of altering and amending the constitution at every session; for that body has made some amendments to "the Discipline of the church" at each successive session. But what would all this amount to, when, at the same time, the Discipline provides for these alterations, and our southern brethren—including Dr. Bascom—have helped to make them; and, indeed, in many instances have been first to propose, and most zealous in sustaining them? Now, under all these circumstances, what killing affair is it to alter the constitution of the church? The slightest change in the Discipline is a change of the constitution. And to few of the changes which have been made do the south object, except such as relate to slavery; and not even to these if they happen to be, as most of the action for the last twelve years has been, in their favor.

But admitting this broad and anomalous sense of the word constitution, how will our opponents prove that the action of the late General Conference in the case of Bishop Andrew was unconstitutional? What law of the Discipline did that action contravene? We deny that there is any such law. The General Conference in that act were fully covered by the powers given them in the Discipline, to "make rules and *regulations* for our church." Under this general provision they have often *regulated* the *episcopacy*, as well as other appendages of Methodism, and by the help of southern members too, without ever dreaming that they were acting unconstitutionally.

In the history of General Conference action, so far as it has come under my own observation, I recollect but one instance in which the constitutionality of such action was called in question, on the ground that it was not provided for by *specific law*, until the case of Bishop Andrew came up. This was in 1828, I think, on the Canada question. The Rev. Wm. Winans contended, through the former part of the discussion, that the proposed action was unconstitutional, because the Annual Conferences had not delegated to the General Conference any such power. He made several strong speeches upon that point; but finally he was met, and, as I supposed, signally defeated by Dr. Fisk. The doctor, after pleasantly complimenting his opponent, observed that he did not believe in the *sermon* the brother had so often preached, and he rejected the sermon because he did not believe the *text* canonical. In his argu-

ment the brother proceeded upon the supposition, that all that the General Conference might do was written in the constitution. This was a mistake. In some instruments of this kind, distinct powers were granted and all others withheld; but in our constitution certain powers were withheld and all others given. If, then, the proposition in question was not inhibited in the restrictive rules, the General Conference certainly had a constitutional right to pass it. I thought this entirely conclusive; and I was the more fully persuaded of it, from the fact that we heard nothing more during the discussion, either of "the text" or "the sermon" from the brother from Mississippi.

But in 1844 both "the text" and "the sermon" were revived by our southern brethren, and the one declared canonical and the other orthodox. The member from Mississippi—now Dr. Winans—took his old ground, and declared that the General Conference had no constitutional right to go "one hair's breadth beyond the express language of the Discipline."

Now, it must be clearly understood that we do not claim for the General Conference the right to act "without law," or "above law." And we deny that, in the action in the case of Bishop Andrew, that body went *a hair's breadth* beyond its proper powers, as they are defined in the Discipline of the church. In the "full powers" there given "to make rules and regulations for our church," we recognize authority to do everything necessary for the proper government of the church and its defense against fatal innovations. Upon this ground has that body always acted, and acted, too, with the good leave and hearty co-operation of the south up to its session in 1844. And even then, "the plan of division," as it is called, *which was demanded by the south*, and passed for their special accommodation, cannot be sustained upon any other basis, if, indeed, it is at all defensible on constitutional grounds.

Does not Dr. Bascom see that his whole argument upon the constitution reacts upon himself? For, upon the principle he assumes, the anti-slavery laws of 1784, 1800, 1804, &c., were parts and parcels of the constitution, and "solemn pledges," too, made to the north that the future action of the General Conference should always harmonize with them. And when the retrograde movement began, the General Conference began to violate the constitution, and was chargeable with "a breach of good faith." Let him but follow out his theory, and he must go back to the strong anti-slavery ground of the Discipline of 1784, and upon that ground he would find himself far in advance of the present position of the Methodist Episcopal Church. And, according to the southern

theory, every retrograde step from that point, in favor of slavery, under some circumstances was unconstitutional, and, consequently, null and void.

§ X.—*Character of the Action in the Case of Bishop Andrew.*

What the General Conference really did in the case of Bishop Andrew it seems difficult for many to determine. Some consider the action of that body mere "advice," others consider it a "suspension," and some have characterized it as an "expulsion from the church." I will here repeat the preamble and resolution, that the reader may have them distinctly before him:—

"Whereas, the Discipline of our church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which in the estimation of the General Conference will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

"Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains."

Now, whatever this language implies, it is certain that it does not in any way affect the bishop's character as a minister. He is neither suspended from his ministerial functions, nor advised to discontinue them. The only point the resolution touches is "the *exercise* of his office" as a bishop. That "office" is not taken from him, but he is merely required to "desist from the exercise" of it "so long as the impediment remains."

The Reply says,—

"The action of the General Conference was neither judicial nor punitive. It neither achieves nor intends a deposition, nor so much as a legal suspension. Bishop Andrew is still a bishop; and should he, against the expressed sense of the General Conference, proceed in the discharge of his functions, his official acts would be valid."—*Reply, Journal*, p. 203.

This explanation of the action, or rather denial of certain constructions which had been, and still are, put upon it, has been fiercely assailed and sadly misrepresented. The declaration that "the action was neither judicial nor punitive; it neither achieves nor intends a deposition, nor so much as a legal suspension," is thought to be strangely inconsistent with the fact, that, for reasons stated in the preamble, the bishop is required to "desist from the exercise of his office." Dr. Bascom says,—

"The nature of his punishment is defined by his judges; he is to 'desist' from the exercise of his functions, that is, (nothing else can be made of it,) he is suspended."—*Review*, p. 120.

I doubt not that this is the light in which many honest minds view the subject. But let it be borne in mind, that "a legal suspension" must be in all cases "punitive" and must follow a "judicial" process. Hence, though the act requiring the bishop to "desist from the exercise of his office" looks like a legal suspension, and certainly is a provisional suspension from his functions, yet it is not a proper "legal suspension," as it is neither "judicial nor punitive."

That the resolution is "mandatory," I always fully believed, and would certainly never have voted for it with any other view. So far Dr. Bascom, I believe, takes the right view of the subject, and offers many substantial reasons for its support. He is wrong, however, in saying that "Dr. Elliott, in the Reply, says it was mere advice." The Reply nowhere says so. This is one of the many random shots of our learned friend.

Dr. Bascom is hardly consistent in taunting us with our differences as to the meaning of this famous resolution, when the south are in the same condition. He thus severely thrusts at us:—

"It may be the Protest misapprehended the 'sense' of the General Conference as to the judicial or mere advisory character of the proceedings in Bishop Andrew's case. What else could be expected when the majority obstinately continue to disagree among themselves, and, as a party, have not yet decided what they meant?"—*Ib.*, p. 119.

Again:

"Utterly at variance among themselves, as to what they meant then, or might afterward find it convenient to mean, how can it be expected that others should understand them?"—*Ib.*, p. 120.

And again:

"What is most extraordinary, however, is the fact, that the majority are as far from agreeing among themselves now as they were ten months ago."—*Ib.*

It is not denied that there has been some difference of judgment at the north as to the meaning of the resolution, some supposing it to be *advisory* and others *mandatory*. But I know of no difference of opinion as to its *binding* character. As far as I know, none are prepared to concede that a bishop may with impunity violate even the *advice* of the General Conference, when formally and explicitly given. So that with us the difference is a very inconsiderable one at most. And, supposing a difference of opinion, upon the point

alluded to, a matter of just reproach, as Dr. Bascom seems to think it, how stands the case with the south upon the question? Dr. Bascom undertakes to prove the action *mandatory* and the bishop in fact *suspended;* but Bishop Soule takes the opposite position. He labors to prove that the action was *not* mandatory, and that Bishop Andrew is under no restraint whatever as to the exercise of the functions of his office. In a communication published in the Christian Advocate and Journal of Feb. 19, 1845, Bishop Soule says:—"The only object of this brief note is to show that the bishops agreed in their *sense* of the action of the conference, at least, so far as to believe that it did not *prohibit* Bishop Andrew from exercising the functions of the episcopal office; and consequently that in giving him work they would not 'do what the General Conference decided should not be done.'" The bishop reasons erroneously, and concludes too much. I need not now attempt to show the fallacy of the argument by which he would justify himself for calling Bishop Andrew to the exercise of the episcopal functions, as my object is merely to show with how little reason we at the north are accused by our southern brethren with different and opposing views of the character of the action in question.

There is a grave aspect in which the southern differences upon the point ought to be viewed. In the first instance, in order to wake up the feelings of the southern people, and to show the world that they had just cause for separation from the north, they must make out a strong case. Hence they represent their favorite bishop as a victim sacrificed to the moloch of abolition. But, to make out their case, they must always assume that the bishop had been "degraded from his office," "disfranchised," "deposed," "suspended," &c., &c. In reading the southern speeches in the late General Conference and the Louisville Convention, and some of the southern resolutions, as published in the papers, a person unacquainted with the facts would almost conclude that "the dominant majority" had so wretchedly maltreated the poor bishop that the penitentiary would not be an unsuitable place for them. But a set of circumstances arise at a particular juncture which makes it necessary, for the defense of the official acts of another bishop, to show that Bishop Andrew was left clear from all official disabilities, and is at perfect liberty to resume his functions. And now it is the easiest thing in the world to make everybody believe that Bishop Andrew stands as clear as any other bishop—that the action of the General Conference "did not prohibit him from exercising the functions of the episcopal office." The same

editors publish both these opposite and contradictory views, and apparently with equal satisfaction, and in each instance seem to suppose that the north were hopelessly overthrown. It is a little difficult to account for all this without questioning the ingenuousness of some of the parties concerned. Not willing to do this, I must for the present leave it among the mysteries.

Subsequent action upon the case of Bishop Andrew, called forth by a communication from the bishops, is supposed by some to have changed the aspect of the case.*

Some diversity of opinion has arisen as to the precise force of the third resolution, which is in the following language:—"3. Resolved, That whether in any, and if any, in what work, Bp. Andrew be employed, is to be determined by his own decision and action, in relation to the previous action of this conference in his case." I can only say what I supposed its force and meaning when I gave it my vote. I considered it as simply designed to devolve the whole responsibility of being governed by "the previous action" of the conference, or otherwise, upon Bishop Andrew. As he was not deposed, but was still a bishop, should he see proper to contravene the declared "sense" of the General Conference, the other bishops would have no right to prevent him from occupying a portion of the field. That the individuals who voted for this resolution could have intended either to reverse the former action, or so to explain it as to deprive it of its force, can scarcely be pretended without a serious reflection upon their heads or hearts. What had they been contending about for three weeks? Or what had occurred that they were finally brought to the point of doing nothing in the case of the bishop, or of undoing all they had done? The resolution is not happily worded. But the majority had been assailed by one resolution after another, and the conflict had become so burdensome that they were not disposed to be punctilious. The action had been brought to the mildest possible form; and to the last, the conference dreaded to use strong language. The whole action taken together was a *compromise*—it was a large *concession* for the sake of peace, without finally being able to secure it. The north generally believed the case might justly have received much more severe treatment. But the prevailing disposition was to go no further than absolute necessity required.

Dr. Bascom caricatures the proceedings of the General Conference, and by this means makes them out a most pitiful specimen of folly and inconsistency. This is the result at which he arrives:

* See page 12.

"Take, then, the action of the conference upon Finley's resolution, and it will be seen that the positions and reasoning of the Protest are fully sustained. And turning to Mitchell's resolutions, giving a new aspect to the whole subject by additional and different action, and it will appear equally clear that Bishops Soule and Andrew have acted in perfect conformity with the only intelligible position the conference finally chose to assume, in relation to the whole affair."—*Review*, p. 121.

Now, if "Bishops Soule and Andrew have acted in perfect conformity with the only intelligible position the conference finally chose to assume," why did Dr. Bascom write his book? Why did the south separate? The whole argument of the doctor's book is an effort to establish the doctrines and positions of the Protest. The Protest declares the bishop deposed, and deposed in *bad faith*. And the doctor labors hard throughout his book to prove that the General Conference had violated the most sacred pledges; had invaded the rights of the episcopacy, and infracted the constitution; had infringed the constitution of the United States, and run foul of the laws of Georgia; had degraded a bishop "without law," "above law," and "contrary to law," and rent the church in twain! But it turns out that Bishop Andrew was not suspended—that he was left at perfect liberty to resume his functions; and that Bishop Andrew in doing so, and Bishop Soule in inviting him to do so, "have acted in perfect conformity with the only intelligible position the conference finally chose to assume!"—so that for simply expressing an opinion, without the force of a mandate, or even of advice, the General Conference of 1844 has been represented as a prodigy of bad faith, intolerance, proscription, and persecution. And because of this harmless, but doubtless very foolish act, the south must needs separate from us to avoid such horrible instances of tyranny and oppression in the future! This is no fancy sketch. It is a true portrait of the state of the case, according to the conclusions of the learned author of the Protest and the Review.

§ XI.—*The Law of Expediency.*

It has been made a question how far we should be governed by *expediency*. If we understand the word as implying "fitness, or suitableness to effect some good end—propriety under the particular circumstances of the case;" it scarcely appears to involve the dangerous principle often attributed to it. *Paley* adopts the maxim that "*whatever is expedient is right.*" "But then," says he, "it must be expedient on the whole, at the long run, in all its effects, collateral and remote, as well as in those which are immediate and direct; as it is obvious that in computing consequences,

it makes no difference in what way or at what distance they ensue." —*Moral Philosophy*, chap. viii.

In judging of expediency in any given case, we must inquire, *first*, whether the object proposed is in itself good: *secondly*, whether the means are suitable: and, *thirdly*, whether the end or the means contravene any laws of God or of society. For if the end and the means are not "expedient on the whole"—"under the particular circumstances of the case"—expediency cannot be plead in their justification. Expediency is rarely the rule where there is specific law. Where there is specific law, legitimately enacted and acknowledged, conformity to it is a duty, unless in cases in which circumstances entirely change our relations to it, so that obedience would thwart the general purposes of its origination. Then even all the general consequences, both immediate and remote, of a violation of the law, must be taken into the account. Then (though such instances are exceedingly rare) expediency becomes the law, and is obligatory.

Another, and a far more common, case, in which the law of expediency is a legitimate rule of action is, when there is no law, or when the law is not specific. There are many things which are not settled, either in the law of God, or the civil law, or the law of the church. These are left to the discretion of individuals, or of such persons or bodies as they may choose to consult. Many matters, in the order and government of the church, are of this class. Bishop Hall says: "Matters of good order, in holy offices, may be ruled by the wise institution of men according to reason and *expediency*." This is the case in all those instances in which certain general powers are given to ecclesiastical councils, for the conservation and edification of the church, without specific directions as to the particular course to be pursued for the accomplishment of these objects. In all such cases expediency, or, in other language, sound discretion, is the rule of action.

Under circumstances like these, with a general law which leaves a broad scope for discretion—one which, in its ample range, perfectly covers the case—the late General Conference acted in the case of Bishop Andrew. That action was, as one of the speakers justly characterized it, "a great prudential measure." In other words, as to its mode and particular promptings, it was based upon "reason and expediency." The emergency was extraordinary, the pressure of circumstances was great, and the action was just such as, after a careful balancing of consequences, *expediency*, that is, "propriety, under the particular circumstances of the case," required.

Let none apprehend me to set expediency, in this case, against law, or above law. It is in perfect harmony with law, and covered by the general trust committed to the body. And that it is in harmony with the spirit and drift of all the rules of the Discipline, we of the north all steadfastly believe.

This word *expediency* has been made a great bugbear, and the majority of the late General Conference have been charged with the abominable heresy of adopting, in a most momentous matter, maxims of "mere expediency." After all that has been said, I do not flinch from the adoption, under proper qualifications, both of the word and the principle. Dr. Bascom charges the General Conference with having adopted "the tactics of a loose and reckless expediency," and with having made a "defection from law and right." *Review*, p. 116. I do not plead guilty to this charge, by a great deal. I do not oppose expediency to "law and right," nor did the General Conference do any such thing. Nor was the expediency by which that body was governed "a reckless expediency." Never was a body more considerate, never one more sympathizing with the feelings and interests of a complaining party, never one more deeply and solemnly impressed with a sense of their responsibilities, and a conviction of duty. No, my dear sir; the majority of that body are the last men who ought to be accused with following "a reckless expediency." Could you appreciate their circumstances; could you know their struggles; could you fathom the depths of their sorrow; were you capable of taking the measurement of the ocean of interest and feeling at the north, which was ever and anon heaving and swelling, and threatening, upon the least indications of faltering, to roll its mighty billows over them, you would not charge them with *recklessness*. The fact is, that our southern brethren knew nothing of the state of feeling among the northern Methodists during the pendency of the question in relation to Bishop Andrew. They could see few demonstrations of feeling: but why? Our people had confidence in the men, that they would not yield a point which all knew and felt could not be given up without reducing the church—north, east, and west—to a wreck. The first symptom of a disposition to sacrifice the principle for which we so long, and, as our southern brethren supposed, so obstinately, contended, would have called forth an expression, from "the foundations of society," a little more potent and ominous than the clatter of a few heels in the gallery, which, during the discussion, was thought by some to be so strong an indication of the state of the popular feeling. We knew well the sentiments and feelings of the north, and we know them now.

And, would it not be offensive, I would warn Dr. Bascom not to be deceived upon this point by any "evidence," either oral or written, he may have in his "possession."

But, after all our southern brethren have said in disparagement of the law of expediency, upon what other principle can they ever attempt to justify their southern organization? Can they plead any other law for it? There is no rule for it in the Discipline. It is certainly wide of all the constitutional provisions of that book. Now, I hope they have not adopted "a reckless expediency;" though I will not go their security that all their measures have been marked by a sound discretion: yet *expediency* is the only basis upon which they can pretend to the least justification of their great movement.

§ XII.—*The Usage of the Methodist Episcopal Church.*

In the controversy, in the late General Conference, in the case of Bishop Andrew, it was assumed by the north that *usage* was against a slaveholding bishop. The following is the original resolution, which was superseded by the one that finally passed:—

"Whereas, the Rev. James O. Andrew, one of the bishops of the Methodist Episcopal Church, has become a slaveholder, and whereas it has been, from the origin of said church, a settled policy, and the invariable usage, to elect no person to the office of bishop who was embarrassed with this 'great evil,' as under such circumstances it would be impossible for a bishop to exercise the functions and perform the duties assigned to a general superintendent with acceptance in that large portion of his charge in which slavery does not exist; and whereas Bishop Andrew was himself nominated by our brethren of the slaveholding states, and elected by the General Conference of 1832, as a candidate who, though living in the midst of a slaveholding population, was, nevertheless, free from all personal connection with slavery; and whereas this is, of all periods in our history as a church, the one least favorable to such an innovation upon the practice and usage of Methodism as confiding a part of the itinerant general superintendency to a slaveholder; therefore

"Resolved, That the Rev. James O. Andrew be, and he is hereby affectionately requested to resign his office as one of the bishops of the Methodist Episcopal Church. ALFRED GRIFFITH,
JOHN DAVIS."

Dr. Winans denied that there was any *usage* in the case. He said:—

"The mere fact that a thing has not been done, does not constitute usage. I admit that it is a fact that no slaveholder has been elected, and it would be true to affirm that it has been the invariable custom of the M. E. Church to choose for bishops those who were not slaveholders.

It may be, sir, that slaveholders have never possessed an individual among them suitable for the office; or sectional matters may have influenced the vote. How are we to arrive at the fact, that the mere election of a man not a slaveholder proves the settled usage of not electing slaveholders? The term is improperly employed, and I could prove, beyond question, that this has not been the usage of the church."—*Debates*, p. 88.

Now, we must admit that "the mere fact that a thing has not been done, does not constitute usage:" but the fact that a thing has not been done *for a definite reason*, does constitute usage. And this the very argument of Dr. Winans proves. He says: "It may be that slaveholders have never possessed an individual among them suitable for the office; or sectional matters may have influenced the vote." If, then, there have been slaveholders who were acknowledged to be "fit for the office," in all other respects, and if no "sectional matters have influenced the vote," but simple slaveholding has been the reason, and the only reason, why they have not been elected, according to the doctor's own argument a usage against a slaveholding bishop has for a long time been established. It is a fact, known to all who have taken the pains to inform themselves of the reasons upon which the elections proceeded in 1832 and 1836, that the question of slaveholding was taken into the account, and that there were southern men who stood every way fair, excepting in the particular of slaveholding, and who, but for this impediment, would have received the suffrages of a majority of the General Conference for the office.

Dr. Bascom follows Dr. Winans on this point, and quotes from Lord Bacon "an incontrovertible principle of law and morals," thus: "In all true judgment, there is a very great difference between a usage to prove a thing lawful, and a non-usage to prove it unlawful." This is, doubtless, a very sound principle; but it does not apply in the case in question. It is not merely "the non-usage" that we plead, but *the non-usage for a specific reason*, and a reason, too, which has been of public notoriety for many years. Dr. Bascom gives a strange account of Bishop Andrew's election. The reader shall have it at length:—

"The circumstances under which Bishop Andrew was elected have been utterly misrepresented. As was perfectly natural, the southern delegates in 1832 were anxious that one of the bishops to be elected should be from the south. It so happened, however, (without any reference to slavery,) that the only individuals upon whom the southern delegates could generally unite were, in fact, slaveholders, and as the northern majority were not backward to let it be known, that no slaveholder could be elected, the southern delegates determined to

have no candidate, and allow the majority to select the men they might prefer. They selected J. O. Andrew as one, knowing he was not the choice of the south, and that they were not gratifying the southern delegates (except a few) in doing so. It was the avowed policy of the north, to elect a southern man, that there might be no apparent ground of complaint from the south, and yet to accomplish their own purposes in the exclusion of the men preferred by the south, who happened to be the owners of slaves. The north did not elect Bishop Andrew as the candidate of the south. They knew he was not the choice of the south, and would not be supported by a majority of the southern delegates, especially as the latter knew he had been fixed upon by the north for the express purpose of defeating the wishes of the south. The idea, therefore, so industriously inculcated, that Bishop Andrew and the south have violated the conditions of a private understanding, in the instance of the bishop's election, by the position they assumed at the late General Conference, has no foundation in truth. Furthermore, northern men elected Bishop Andrew without consulting him—without coming to any understanding with him or the south on the subject. Northern views and purposes were alone consulted. The south was not referred to, nor cared for, in the matter, beyond the fact, well understood at the time, as a matter of policy, that the election of a southern man would silence the south, or compel the avowal, they wanted a slaveholding bishop! Such are the facts, as I understood them at the time; and I believe them to be correct; from which it will not be difficult to see to what extent Bishop Andrew and the south are indebted to northern magnanimity, so plausibly set forth in the Reply, and various other accounts we have had of Bishop Andrew's election." —*Review*, pp. 80, 81.

How Dr. Bascom could ever fall into so many errors in a case of such a kind is to me surpassingly strange. The main points in his statement I know to be utterly untrue, and the reflections which the whole contains against the honor and candor of the north to be wholly unjust. The fact is, that the north selected no southern candidate—that James O. Andrew was selected by southern men, as high in the confidence of the whole south, and having as much influence over southern action, as any other southern men, not excepting Dr. Bascom himself. The circumstances of the whole transaction are yet fresh in my recollection, and I will now briefly relate them.

Early in the session, a note from Dr. Capers was circulated among the northern delegates, stating, in substance, that the South Carolina Conference wanted no office within the gift of the General Conference; but as probably two additional bishops would be wanted, and as it would be desirable that one of them should be selected from the south, they had a southern man in view who would probably be unexceptionable at the north, whom they wished

to offer as a candidate for the office. In order, then, to make an arrangement which would be mutually satisfactory, the northern delegates were invited to select a man from each conference, to confer with such as might be selected from the south. The north, generally, most cheerfully responded to the call, and I was appointed by the delegation from the Oneida Conference to represent them in the proposed meeting. The meeting came, and I attended. Dr. Capers opened the business, and repeated, with enlargement and explanations, the proposition of the note. Up to that hour I did not know that Dr. Capers was a slaveholder. The matter then had not been so fully canvassed at the north as it has been since; and local information was, of course, not so perfect as at present. After the doctor had named James O. Andrew as the southern candidate, as he was comparatively unknown to many of us, he gave us his views of his qualifications with so much earnestness and candor that the impression was very favorable. Some one finally intimated to the doctor that public attention had been somewhat directed to him as a candidate for the office. He then stated the fact that he was *a slaveholder*, and gave us the substance of the relation which has, within two years past, been published in the papers, of his connection with slavery, his experiments in the way of making his people support themselves, the utter failure of his plans, his inability to send them to Africa, &c. He then distinctly objected to being a candidate for the episcopacy, on the ground that he was *irretrievably a slaveholder*. He further stated that, when he was a delegate to the British Conference, he found himself in new circumstances—he represented the whole Methodist connection, north and south; and as a slaveholder, he found himself very unpleasantly situated. He was obliged to sustain a new and an important relation to the north, which, as a southern man and a slaveholder, he found a very delicate position. His difficulties in occupying his position, as delegate to the British Conference, had more than ever convinced him that a slaveholder should never be a bishop of the Methodist Episcopal Church.

This was all fair and candid, though it was only necessary for us of the north then to know that he was a slaveholder—his reasoning upon the case was not necessary to the determination of our course. And when I reported the whole to my colleagues, there was, I believe, a unanimous acquiescence in the southern nomination, and, as far as I know, all voted the ticket.

I might now leave the reader to judge of the correctness of Dr. Bascom's statements without another word. I am responsible for the substance of what I have stated, and I know that I have related

what Dr. Capers said at the meeting in nearly his own words. Now what reason had we to doubt of the fairness of the whole proceeding? If James O. Andrew was not the southern candidate, the north were grossly deceived. It is not true that he was taken up by the north to defeat "men preferred by the south;" it is not true that he was not elected "as the candidate of the south;" but "had been fixed upon by the north for the express purpose of defeating the wishes of the south." The whole is an injurious fabrication. I exceedingly regret to say so much as this; but justice compels me to do it; and I do it the more readily because the confidence with which Dr. Bascom tells his tale will make its impression; and I may add, by the way, because the doctor ought better to understand what he writes about.

Dr. Bascom makes another very strange statement. He says:—

"It is well known, too, that at the General Conference, in 1832, more than forty northern votes were given for a southern slaveholder as bishop, and given, too, against a southern man, proposed for the same office, who was not a slaveholder."—*Review*, p. 93.

In this statement Dr. Bascom follows Dr. Winans. In one of his speeches in the late General Conference, he says:—

"Did the brother know that a slaveholder, in 1832, received forty non-slaveholding votes, and if he had received, perhaps, fifty, he would have been elected bishop?"—*Debates*, p. 155.

How near Dr. Winans is to the truth, in one part of his assertion, will be seen by the following extract from the Journal of the General Conference of 1832:—

"Two hundred and twenty-three voters were present, and, on counting the ballots, James Osgood Andrew had one hundred and forty, and John Emory had one hundred and twenty-five votes."

So it is plain enough that "fifty," or twice fifty, votes would not have elected his slaveholding candidate. And, supposing it to be a fact that "more than forty northern votes were given for a southern slaveholder as bishop," and only a few southern votes were given for James O. Andrew, as Dr. Bascom would have us believe, how came it about that the slaveholder did not come within striking distance of succeeding? The whole is a pure fiction. It doubtless has an existence in the heads of Drs. Bascom and Winans; but how it found its way there I am at a loss to divine.

Another instance of the excessive credulity of Dr. Bascom, in everything which seems to favor the idea of slaveholding in the

episcopacy, is his giving currency to the report which has, some way, got afloat, that Jesse Lee was a slaveholder. He says:—

"That Jesse Lee was the owner of slaves, when designated, by Bishop Asbury, for the office of bishop, and came within a single vote of being elected by the General Conference, is, I am informed, susceptible of proof."—*Review*, p. 93.

Now I formally ask Dr. Bascom for the "proof." I deny his statement, and call for the testimony. There are many reasons which go wholly to discredit this tale. It is well known that Jesse Lee was fully enlisted, with the bishops and most of the leading preachers, north and south, against slavery, and in favor of the measures of the General Conference for the "extirpation of the great evil" from the church. I now have before me a copy of the Address of the General Conference of 1800, upon the subject, with Jesse Lee's name attached to it as one of the committee who drew it up. And in this Address it is said: "We have, for many years, restricted *ourselves*, by the strongest regulations, from partaking of 'the accursed thing,' and have also laid some very mild and tender restrictions on our societies at large."* To suppose that any man who could use this language was himself a slaveholder, and especially that the honest and high-minded Jesse Lee could act so inconsistently and absurdly, is beyond reason and probability; not to insist that a General Conference that would sanction the Address which was issued at the very conference at which Jesse Lee came so near being elected bishop, without the grossest inconsistency, could never think of electing a slaveholder to the episcopal office.

Finally, it is alledged by Dr. Bascom that Dr. Coke was a slaveholder! He states the case thus:—

"The boast of the majority, so much relied upon in the Reply, that the episcopacy in the whole line of bishops, from Coke to the present worthy bench, has never had any connection with slavery, until the unfortunate dereliction of Bishop Andrew, is rather premature. The Rev. Wm. Hammet, of Charleston, South Carolina, and some time missionary in the West Indies, on leaving the Methodist Church, and setting up for himself, as a separatist, published, in 1792, a virulent pamphlet against Dr. Coke, and among many other charges enumerated, the most of which are clearly and ably refuted by Dr. Coke in his answer, he brings to view Dr. Coke's connection with slavery in the island of St. Vincent, alledging that the doctor had used the Caribb Mission fund in the purchase of a lot of negroes to work a cotton and coffee plant-

* The reader will find this curious and rare document preserved in the Appendix. See Appendix, C.

ation, presented by the colonial legislature, for the benefit of the mission. Dr. Coke, in his reply, now before me, printed in London, 1793, in a very frank and satisfactory manner, disposes of many of the statements and inferences of Mr. Hammet, in reference to this transaction, as incorrect and unjust; but *distinctly and in various forms admits the fact* that, with money he had collected for the Caribb Mission, and funds of his own, he had, at the urgent solicitations of friends, *purchased the slaves as charged*, and had held and worked them as such upon the cotton division of the mission plantation."—*Review*, p. 79.

I am, for many reasons, sorry that Dr. Bascom has brought this affair from the oblivion into which it had fallen. But, inasmuch as it must be conjured up from the grave, and figure in the present controversy, all must be grateful to him for sending along with it a few scraps of Dr. Coke's explanation; so that, with a little pains, it will not be difficult to account for the affair without yielding the argument from usage. The following are the explanations, as quoted from Dr. Coke's pamphlet by Dr. Bascom:—

"'In answer to the charge of my purchasing slaves, I shall give an account of the transaction with all possible candor. My friends on all sides of me, urged that the present might be considered as an *exempt* case—that the gift of the land was undoubtedly providential—that the *slaves purchased* for the cultivation of it would certainly be treated by *us* in the tenderest manner. These and *other* arguments *prevailed*, and I gave *directions* that a sufficient supply *should be procured* for the cultivation of cotton on the low land.' Whatever we may think of it, the missionary zeal of Dr. Coke made him a slaveholder, by actual, deliberate purchase. This the doctor avows in explanation of his course. He says further: 'I had hardly left the island, when my established principles began to operate. I considered that no exempt case could justify the proceeding—that we are not to do evil that good may come. The wound continued to deepen in my mind for some months, till I at last wrote from Baltimore to inform our missionary, (Mr. Baxter,) that I could not admit of any slaves upon the estate, on any consideration. Thus I have stated the whole business of the slaves. At the time I acted for the best, and *humanum est errare*.'"—*Ibid.*

Dr. Bascom further represents Dr. Coke as repudiating the charge of an abuse of the missionary funds, as he had refunded the money, and was "the only loser, in a pecuniary point of view," and he is willing to admit, though he says Dr. Coke does not positively assert it, that "he gave freedom to these slaves."

The whole case, then, amounts to this: that Dr. Coke had, inconsiderately, and in opposition to the principles which he had always maintained, purchased some slaves to work a plantation for the benefit of the mission. But, after a little time to reflect upon

the matter, his "established principles began to operate"—he considered "that we ought not to do evil that good may come." "The wound continued to deepen in" his "mind for some months, till, at last," he "wrote from Baltimore to the missionary," that he "could not admit of any slaves upon the estate, on any consideration." Dr. Coke, then, held slaves "for some months," and then, as Dr. Bascom charitably conjectures, "gave" them their "freedom."

I have said I am sorry Dr. Bascom has revived this item of history. It is precisely of a piece with Dr. Coke's letters to Bishop White and Mr. Wilberforce, and is hardly a fit case to be bandied about before the public, except by the enemies of the fair fame of the good, but often mistaken, Dr. Coke. The great infirmity of Dr. Coke was precipitancy; but he had, as an offset against this weakness, a remarkable share of ingenuousness. He never found himself in error, but, in all humility and childlike simplicity, he made retraction, and asked "a thousand pardons." It is hardly fair to plead the eccentric movements of such a character as precedents, especially after they have been heartily repented of. And I urge further, that there is not the least probability that the General Conference would have borne with the doctor at all had he kept his slaves. But, having washed his hands of the evil immediately upon reaching the States, there, we may well suppose, the matter ended, until Mr. Hammet, who had left the connection, used it against the doctor. And had that been the last use made of it, the cause of truth, of charity, and of justice would have lost nothing from the quiet slumber of the whole affair. But Dr. Bascom has again given it wing; and the whole history is copied into the southern papers under the imposing head, "Bishop Coke a slaveholder!" After all, it amounts to nothing. But if our southern brethren stand in need of *such specimens* of slaveholding bishops, we ought not to grudge them this.

§ XIII.—*Petitions upon Slavery—Temper of the North.*

The last three General Conferences have been more or less agitated upon the subjects of slavery and abolition, and it is not to be denied that the petitions which have been sent up from the north on these subjects have ministered not a little to the excitement which has prevailed in the body. Some of the petitioners have employed extravagant and irritating language, which so evidently proceeded from a fanatical recklessness, that the conservative party at the north have often been beset by no little difficulty to maintain their

position of opposition to slavery, and yet a toleration of those who are unfortunately and innocently connected with the evil. Moderate counsels have, however, generally prevailed. The sensitiveness of the south in the General Conferences of 1836 and 1840 was so strong, and the danger of permanent disunion so threatening, that several measures were permitted to pass, which were declared by many as pro-slavery in their tendency, and occasioned no little difficulty in our societies in the northern and eastern states.

The fierce opposition which was made to the "abolition petitions," by southern men, served to promote extravagant action at the north, and increased their number. At the same time it cannot be denied but that a fair proportion of the petitions were respectful, kind, and argumentative; and asked for such action as was at least lawful, and, in some instances, I think, quite expedient. Among the "ten thousand" petitioners who sent up their prayers to the last General Conference, some merely asked that that body would not elect "a slaveholding bishop," and that they would "rescind" the obnoxious "colored testimony resolution" of 1840. There are few at the north who did not most heartily sympathize with the petitioners thus far.

But there were others, and by far the greater proportion, who added to these requests others upon the subject of slavery in general. These, after a careful examination of a mass of the petitions now before me, I have classified, and think, with very few exceptions, they will all answer to one of the following types.

One class prays the General Conference "to take such *constitutional* measures as shall effectually separate the Methodist Episcopal Church from all connection with the sin of slavery." Another requests that body "to take such action as will tend *gradually*, but *effectually*, to exclude from the church all who hold slaves, excepting those cases in which the slave wishes to retain the relation." And another, "to take such decided action as, in their wisdom, shall be best calculated to effect an immediate extirpation of this great evil from the Methodist Episcopal Church."

As far as I can judge, the first and second classes embrace by far the greatest number: and there seems to be little in these petitions which ought to be regarded as furnishing just occasion of offense. The General Conference has in all instances received petitions upon slavery, and referred them to a committee, and very brief reports, simply declaring the inexpediency of the action prayed for, have ended the matter. So long as the action of the General Conference has been conservative, I am not able to see why the simple recognition of the right of the people to petition,

which is about all that the last three General Conferences did upon the general subject, should have given occasion of offense to the south. I find that, in times of old, petitions sometimes came up from the south upon the subject of slavery, and were respectfully received and acted upon without producing a disruption of the church; and I cannot see why any portion of the church should not be allowed the right to petition the General Conference upon any matter of general interest.

The Reply, in relation to the petitions upon the subject of slaveholding in the episcopacy, says:—

"Since the year 1832, the anti-slavery sentiment in the church, as well as in the whole civilized world, has constantly and rapidly gained ground; and within the last year or two it has been roused to a special and most earnest opposition to the introduction of a slaveholder into the episcopal office—an event which many were led to fear, by certain intimations published in the Southern Christian Advocate, the Richmond Christian Advocate, and perhaps some other Methodist periodicals. This opposition produced the profoundest anxiety through most of the non-slaveholding conferences. The subject was discussed everywhere, and the dreaded event universally deprecated as the most fearful calamity that ever threatened the church. Many conferences instructed their delegates to use all possible means to avert such an evil. Other conferences, and many thousand laymen, sent up petitions and memorials to the same effect to the present General Conference. Such was the state of sentiment and of apprehension in the northern portion of the church, when the delegates to the General Conference learned, on reaching this city, that Bishop Andrew had become a slaveholder. The profound grief, the utter dismay, which was produced by this astounding intelligence, can be fully appreciated only by those who have participated in the distressing scenes which have since been enacted in the General Conference."—*Reply, Journal*, p. 200.

For this statement the committee who reported the Reply are severely arraigned by Dr. Bascom. He thinks it great folly for the north to "dread what they knew they had the power to prevent."—*Review*, p. 87. This "dread" arose from a fear lest the sympathies of a portion of the northern delegation might be carried away, as they had been, in some few instances in former General Conferences, by the complaints and pathetic appeals of the southern delegates. The fear was, indeed, altogether groundless, but the petitioners probably did not know it. They did not fully understand the position occupied by the conservative majority upon the subject of "a slaveholding episcopacy." But hear him further:—

"But why does not the Reply give us the whole truth in the premises, so that what they *report* might be explained by what they *sup-*

press? Why not frankly inform the church, (for they knew it to be true,) that a much larger number of petitioners than that against a slaveholding bishop demanded an absolute separation of the church from all slavery and slaveholders, in all the forms of the one and relations of the other? Why did not the repliers tell the church, what they well knew, that the separation of the episcopacy from slavery was not the *thousandth* part of what was prayed for? Was it just or candid—did it comport with fair dealing not to do so? Why were these facts separated, 'the one taken and the other left?'"—*Review*, p. 88.

From the view I have furnished of the character of the petitions presented, the reader will be able to form a tolerably correct estimate of the fitness and justice of the high charge here brought against the "repliers." It is not true that "a much larger number of petitioners than that against a slaveholding bishop demanded an absolute separation of the church from all slavery and slaveholders." For, in the *first* place, it must be noted that only a portion of the petitioners asked for an immediate and unconditional separation of slavery from the church. And in the *second* place, that all the petitioners, of whatever class or character, prayed the General Conference not to elect a slaveholding bishop. This is an item in all the petitions I have examined, and I have looked over all of them, excepting a few that are lost. Nor is the doctor much nearer the truth when he says, "the separation of the episcopacy from slavery was not the *thousandth* part of what was prayed for." In general it constitutes *one* item out of *three*, and that I think is somewhat more than a "*thousandth* part." After making all due allowance for the doctor's *rhetoric*, this is an inexcusably extravagant declaration. And it is upon such a basis—such incautious, extravagant, and false positions—that Dr. Bascom demands: "Was it just or candid—did it comport with fair dealing not to do so?" that is, not to say what was absolutely untrue!

It is in this way that Dr. Bascom has convicted "the repliers" before the bar of public opinion, south, of the most dishonorable, deceptive, and false-hearted proceedings. Let the reader now take the facts in relation to the petitions as they are, and judge of the above passage from the Review, and then make up as charitable an opinion as possible upon its "temper," candor, and truthfulness.

There is good reason why the voice of the petitioners should be heeded in some points, and disregarded in others: for some things they asked for were right and proper to be done, and others, in the view of the majority, were not so. Would it have been right, because some of these petitions asked for what was judged neither lawful nor expedient, to treat with entire indifference their earnest prayers, when they ask for what, in the view of the majority, was

both lawful and expedient? If Dr. Bascom thinks so, I shall certainly beg leave to differ from him.

He says:—

"It is, too, a well-understood principle of law and morality, in the construction of compromises, that the *temper* of the parties which led to compromise remains one of its conditions; and either party offending, in this respect, violates an important obligation contracted in becoming a party. . . . . Abstract law, involving compromise, can only be carried into effect by acts of kindness, and the ministry of the affections, without which it is a lifeless text, unexplained by living example, and must fail to accomplish the purposes of its enactment. This view of the subject applies equally to north and south, and should be well considered by both."—*Review*, p. 34.

What the doctor expects to gain upon this ground I am at a loss to tell. Does he think all the bad blood has been on the north side of Mason and Dixon's line? If so, I think him much mistaken. In the General Conference of 1832, I distinctly recollect that the venerable Stephen George Roszel was most wofully belabored by Rev. J. Early, of the Virginia Conference, for offering a resolution providing for "a committee to take into consideration the rights and privileges of our people of color." And many remember the speeches of W. A. Smith, one of his colleagues. Who, that was present, does not remember the explosion which took place upon a motion to publish the Address of the British Conference, in 1836, because it contained a passage upon slavery? In 1840, "the middle men" were fiercely assailed, both by the ultra-abolitionists and the southern men, and there were occasional comparisons made by speakers from each of these parties, evidently designed to wound and afflict us. Abolitionists would compliment slaveholders who "came out like men" in defense of slavery; and southern men really admired the "frankness and honesty" of the abolitionists, who doomed them all to perdition outright. But as for the "conservatives," they were mere "trimmers," "dodgers," and what not. Here we stood between two fires, charged with pro-slavery principles—with being worse than slaveholders—on one side; and accused with being a sort of sneaking, under-ground abolitionists, on the other. And after going so far for the sake of the peace and unity of the church, in the way of conciliating the south, as to be stigmatized by Scott, Horton, and Co., as *northern men with southern principles;* because we would not go much further—and even vindicate "slavery as it exists in the southern states"—southern men taunted us with our *truckling, cowardly* disposition, and one of them, a distinguished member from Georgia, said:

"We are tired of your sickening sympathies." This is but a faint sketch of the "temper" of the ultra northern and southern parties in the General Conference of 1840, and of the delicate and difficult position of the majority.

It has been the common course of things since 1832, in the General Conference, that the slightest mention, in any form, of the subject of slavery, has called forth a tide of southern eloquence which threatened to sweep everything by the board. The stentorian oratory of Dr. Smith has sometimes been thought by northern men rather indicative of bad "temper," but being assured by the doctor that he is always "calm," and by his friends that he is a man of a generous and kind heart after all, we of the north had long since made up our minds not to separate from the south on his account.

I do not justify northern heat and extravagance any more than southern, nor do I plead an offset with our southern brethren. But I would meet Dr. Bascom upon the issue which he makes on the score of *temper*, and should not fear attempting to prove, were it expedient, that if the temper of the parties is a condition of the alledged compact between the north and south, the south have long since forfeited their claim to its provisions.

I might allude to "the temper" of the resolutions of the southern primary meetings, which have been so extensively laid before the public. I might, also, refer to "the temper" of Dr. Bascom's book, for it certainly contains many poor specimens of an unruffled spirit. And, if it would not be offensive, I might suggest that, upon the doctor's rule, the report of the committee of nine on division has been somewhat periled by the indications of a bad spirit in several directions at the south. This was a real "compromise," made in good faith on the part of the majority. I need not say that our expectations have not been met.

If I may add a word or two more upon this delicate point, I would say that the late General Conference conceded much for the sake of peace. The report of the committee of nine, providing for an amicable and equitable adjustment of the claims of the south, as to territory and pecuniary interests in the Book Concern and chartered fund, "should they see it necessary to organize a separate ecclesiastical connection," was a concession. It was asked "as a peace-offering," and as such it was granted. But it was granted with the assurance from our southern brethren, that if, upon their return home, they could quiet the public mind and retain their connection with the north, they would do so. I was personally assured by leading southern members, that if the recom-

mendation for the alteration of the sixth restrictive rule was passed promptly in the northern conferences, it would do much toward restoring confidence, and preserving the unity of the church. Consequently I advocated that recommendation, in the three Annual Conferences which I attended, in all of which the vote passed by a very large majority. But while we were laboring to further this peace measure, and actually carried it swimmingly through all the New-England Conferences, excepting one, and that conference laid it over, merely to see what the state of things might be after the lapse of a year; and the same course of things was rolling on west; all at once the tide of sympathy was interrupted by the extravagant measures of the south. It has been said that none favored the proposed alteration of the restrictive rule, except pro-slavery men on the one hand and ultra-abolitionists on the other; both of whom desired division. This representation does the conservatives of the north and east great injustice. They voted the recommendation as a peace measure, hoping that a disposition upon the part of the north to do ample justice to the south would either prevent disunion, or give it a mild and comparatively harmless form. If they have been disappointed, they have the consolation of having done all they could to save the church from the evils of schism. Had we good reason to believe that the southern delegates, upon their return, used their best endeavors to restore peace we should now be much better satisfied. Did it appear that the separation was demanded by the southern people, and merely submitted to as a matter of necessity by the preachers, we should meet the result with all due submissiveness, and feel no loss of confidence in our old friends of the southern conferences. But as it is, we feel injured, and cannot suppress the conviction that false issues have been raised, and extravagant and utterly erroneous representations have been made to the southern people, in relation to the action of the General Conference, and the prevailing views and feelings of the north. To prove that these convictions are just, I need go no further than Dr. Bascom's book. I shall not of set purpose quote passages to prove this; but the reader will see, in the references I make to that production in the course of my argument, that there is no small reason for complaint on the part of the north, of the unfairness, censoriousness, and downright contempt of my distinguished opponent. I wish I might find myself mistaken in my conclusions upon this subject. It is deeply mortifying and afflicting for me to feel myself called to meet such assaults from such a quarter as are found in the book under examination, and especially to throw back the charge of a want of the right

"temper." Nothing but a sense of duty would bring me up to the point of repelling and retorting an imputation which must certainly imply a deficiency of true Christian charity somewhere.

§ XIV.—*The Powers of the General Conference.*

When the resolution in the case of Bishop Andrew was under discussion, it was strongly contended, by those who were in the opposition, that the General Conference had no constitutional right to depose, or in any way to inflict official disabilities upon a bishop, except upon impeachment; and a theory of episcopacy arose out of the emergencies of the question in debate. This theory is presented, in its main features, in the Protest, and is vindicated at large in the Review. The theory is embraced in the following propositions:—

1. That the episcopacy is a co-ordinate branch of the government—constituting its executive department proper.
2. That the bishops are an integral part of the General Conference, have a right to participate in its debates, and to a voice in its decisions.
3. Episcopacy in the Methodist Episcopal Church is an *order* superior to the order of presbyters.
4. The General Conference has no power to depose a bishop except upon conviction of moral or official delinquency, after impeachment, and a formal trial.
5. Our episcopacy, in its origination and continuance, is derived from Mr. Wesley alone.
6. The right of episcopal jurisdiction is communicated in ordination, and not in election.

These propositions embrace the elements of the system, which, as it seems to us, was concocted for the purpose of arresting the proceedings in the case of Bishop Andrew, and of making, at least in part, those proceedings appear to furnish reasonable ground to the minority for protest and separation. I am aware that they are represented to contain a fair statement of the primitive doctrine of Methodist episcopacy, and to be a true exponent of the Discipline and the views of our fathers upon the subject. But in this we honestly differ from the representations of our southern brethren. They charge us with novelties, and declare the action of the late General Conference to constitute a dangerous infringement upon the constitutional rights of the episcopacy. But, from this sentence, we beg leave to appeal to the only authorities competent to settle the question at issue. I shall now discuss the several points brought

out in the southern theory, and test them by the standards which are, or ought to be, acknowledged by both parties. The speech of Bishop Hamline before the late General Conference, in the case of Bishop Andrew, made previous to his election, is a luminous exposition of the powers of the General Conference, and an irrefragable argument in defense of the action finally had in that case. I thought first of quoting portions of it; but, upon further reflection, determined to insert it entire in the Appendix.* I hope the reader will give it a careful perusal just at this point. Dr. Bascom makes honorable mention of this speech. He says it is "really able and eloquent;" but that he does not yield to the bishop's conclusions he gives ample proof. If the doctrines and positions of his book did not prove this, several flings at the bishop and his speech, which it contains, would furnish the evidence. It is much easier to give that production a back-handed cut than to refute its clear, logical reasoning. Its doctrine, as I understand it, is the true Methodist doctrine; and, though it has often been assailed, it still stands as firm as the everlasting hills.

§ XV.—*Is the Episcopacy a Co-ordinate Branch of the Government?*

Webster defines *co-ordinate*, "Being of equal order, or of the same rank or degree; not subordinate." In this sense I understood the word to be used in the Protest. But Dr. Bascom gives us a somewhat different definition of the word, and claims that it is used in the Protest in his sense. He says:—

"The Protest, in assuming episcopacy to be a co-ordinate branch of the government, intended to convey the idea usually conveyed by such phrase, that *it is an independent* department, a separate sphere of executive power and action, standing in the same relation to the constitution that the General Conference does; that is to say, as the episcopacy cannot constitutionally invade, in any way, the rights and powers of the General Conference, so the General Conference has no constitutional right to touch, in any form, the vested rights of the episcopacy."—*Review*, p. 154.

The explanatory part of this passage comes short of "the idea usually conveyed by such phrase." It may be conceded that, "as the episcopacy cannot constitutionally invade, in any way, the rights and powers of the General Conference, so the General Conference has no constitutional right to touch, in any form, the *vested* rights of the episcopacy." If by "vested" he mean "fixed—not in a state of contingency, or suspension," no one will dispute him. And if he only mean, by "a co-ordinate branch of the government,"

* See Appendix, B.

a branch that "the General Conference has no constitutional right to touch," so far as it is covered by the restrictive rules, the proposition of the Protest, that "the episcopacy is a co-ordinate branch of the government," is a mere truism. This, however, is not his meaning; for this sense would nullify the whole argument of the Protest, and convict its signers of gross folly. But, if he mean by "a co-ordinate branch," "an independent department"—"not subordinate"—then we must dissent from him. And that this is the true doctrine, both of the Protest and the Review, is as clear as the sun in the heavens. I readily admit that the General Conference cannot destroy the episcopacy. This is guarded against in the third restrictive rule. That rule says: "They [the General Conference] shall not change or alter any part or rule of our government, so as to do away episcopacy, or destroy the plan of our itinerant general superintendency." Here all that is essential to "episcopacy," and "our itinerant general superintendency," is put beyond the "touch" of the delegated General Conference. But this is all the restriction there is upon the General Conference in relation to this "branch of the government." All beyond this simple restriction is wholly subordinate to the power of the General Conference. This is evident to me, at least, for the following reasons:—

1. The very restriction upon the General Conference supposes the episcopacy a subordinate and not a co-ordinate department of the government.

If the episcopacy and the General Conference are co-ordinate, in any proper sense, would there not be as much propriety in restricting the episcopacy as the General Conference? Why is it not somewhere in the constitution provided that the episcopacy shall not "do away" the General Conference? The importance of such a provision appears in a strong light, if we believe the Protest. That instrument says:—

> "In a sense by no means unimportant the General Conference is as much the creature of the episcopacy, as the bishops are the creatures of the General Conference. Constitutionally the bishops alone have the right to fix the time of holding the Annual Conferences, and should they refuse or neglect to do so, no Annual Conference could meet, according to law, and, by consequence, no delegates could be chosen, and no General Conference could be chosen, or even exist."—*Protest, Journal*, p. 194.

Now, if the bishops were to exercise the fearful power which is here attributed to them, they would not only prevent the existence of another General Conference, but would prevent all Annual Conference business. No preachers would be received or ordained:

the characters of the preachers could not be examined, nor could they receive their appointments, according to the provisions of the Discipline: the preachers would be without places, and the people without preachers: and what would remain but for the preachers and people to make their own arrangements,—and here would end the whole economy of Methodism! So it turns out, according to the Protest, that the bishops can destroy the General Conference by destroying the church! but whether they can do either, we shall not very soon see demonstrated by experiment. The simple right to appoint the time of the Annual Conferences cannot, in any sense, make "the General Conference the creature of the bishops." Not at all—this is reaching too far. We can hardly suppress the reflection, that our protesting brethren must have been hard run for argument, or they would never have advanced this.

But if the bishops have such fearful power in their hands, certainly it ought to be in some way restricted; unless, indeed, unlimited power is more safe in the hands of the bishops than it would be in those of the General Conference. It is quite sure, I think, that our fathers never saw so far into the system they had constructed, as to perceive that the bishops might one day destroy it without the possibility of a remedy. They saw no danger in this direction, and therefore they did not provide against it. But they did provide, that the General Conference should "not do away episcopacy," and by doing so plainly declared that the two departments were not co-ordinate—that without such a restriction the General Conference, acting under the general provisions of the Discipline, might do away episcopacy. This argument seems to me perfectly conclusive against the "co-ordinate" system of the Protest.

2. The bishops are made responsible to the General Conference. In section iv, question 4 and answer, we have the following: "To whom is a bishop amenable? To the General Conference, who have power to expel him for improper conduct, if they see it necessary." Is this provision in harmony with the notion that the episcopacy is "an independent department, a separate sphere of executive power and action, standing in the same relation to the constitution that the General Conference does?" Dr. Bascom seems to have anticipated a difficulty here, and because "the constitution" makes no provision for such a process against an offending bishop as would accord with his elevated views of the "order," he pronounces it "defective." The reader shall have the whole of the doctor's argument, and then he can judge for himself how the new theory has hurried him on:—

"The right of trial by committee, and of appeal, under circumstances affording full and fair opportunity of defense, is another constitutional principle of Methodist polity, existing prior to, and independently of, the General Conference, and applies to all ministers and members of the Methodist Episcopal Church, and to a bishop (if he be a minister) not less than others. Nor is there anything in the Discipline opposed to this. The answer to question 4, section iv, is simply declaratory of the amenability of the bishop to the General Conference, and the right of the conference to try and determine in the case; but the *mode* of trial is determined by the *constitution* to be *by committee*, and as the case comes of course before the General Conference, it is virtually an appeal. The real difficulty is defective legislation; no statute exists to carry out the *provision* of the constitution, which expressly declares that *no minister* shall be deprived of trial by committee. When a bishop is charged or arraigned at a General Conference, not to violate the constitution, he should be tried by a committee of *his peers*, and then let the conference decide. I know no statute requires this, and it is equally true that none forbids it; and as it is explicitly *exacted* by the constitution, trial, without the intervention of a committee, is a violation of that instrument, and would be equally unconstitutional were it authorized by statute, for, in either case, it is doing what the constitution says the General Conference shall have no power to do, in the case of *any* minister, preacher, or member."—*Review*, p. 69.

Now, according to the doctor's theory, who are a bishop's "peers?" "The bench of bishops," of course. And, though "no statute exists to carry out the *provision* of the constitution," he would have that provision carried out without "statute." Though there is confessedly no law providing for it, an offending bishop should be tried by the board of bishops, and then should have "an appeal" to the General Conference. All this should be done without "legislation," proceeding upon a mere *construction* of "the constitution!" Can this be the same Dr. Bascom who wrote the famous Protest? who contends so stoutly, both in the Protest and the Review, for the "*law* made and provided in the case?" who declares, with so much vehemence, the proceedings of the late General Conference "extra-judicial," "without law," "above law, and contrary to law," merely for the want of an explicit "statute" authorizing specifically the act which they performed? "Thou that abhorrest idols, dost thou commit sacrilege?"

But saying nothing of the doctor's inconsistency, let us look for a moment at the tendency of his theory. Perceiving that his views of the episcopal "order," and its independency in relation to the General Conference, are inconsistent with the idea of responsibility to that body, he would make another leap toward (rather *into*) prelacy. We have an "order" of bishops, who constitute "a co-

ordinate branch, the executive department proper of the government"—"an independent department"—and why should not they "be tried" by their "peers?" In carrying out this construction of "the constitution," the doctor would be brought up against the answer to question 5, section iv, which provides for "the trial of a bishop if he should be accused of immorality." And here he would find himself "not only above law, but against law." But this could be got along with; for he does not invade "the constitutional rights of the episcopacy," but only adds a little to them, or, as he might explain himself, he only labors by *construction* to remedy "defective legislation." These are some of the strides that our southern brethren have made away from "the ancient landmarks!"

3. That the episcopacy is subordinate to the General Conference, is evident from the fact that that body uniformly appoints a committee upon the episcopacy, whose duty it is to inquire into the conduct and administration of the bishops. This committee, when they judge it necessary, call the bishops before them to explain and justify their proceedings, and that too without any formal impeachment or regular judicial investigation. This has been the usage from the very commencement, and shows conclusively that the episcopacy is subordinate to the General Conference.

4. Another reason against the doctrine of the Protest upon this point is, that the General Conference has always regulated the powers of the episcopacy, adding to and taking from, as they judged necessary.

Up to 1789 the bishop had the power "to receive appeals from the preachers and people, and try them;" then this power was taken from him. In 1804 the General Conference commenced making restrictions as to the time during which the bishop might "allow a preacher to remain in the same station," until which time this was entirely at the discretion of the bishop. The stationing power of the episcopacy has been modified at every General Conference, with the exception of 1824, since 1820. Even at the late session important modifications of the stationing power were introduced at the suggestion of the bishops themselves, and were heartily sustained by several leading southern members. From 1796 to 1812 the bishops had "authority to appoint other yearly conferences in the interval of the General Conference, if a sufficient number of new circuits be anywhere formed for that purpose." Since 1812 the bishops have had no power to organize new conferences except in special cases designated by the General Conference. See Emory's History of the Discipline, chap. i, sec. iv; part ii, sec. i.

Now, on what principle are all these modifications of episco-

pal power by the General Conference to be accounted for, upon the hypothesis of the Protest? Was there any such constitutional provision for them as our protesting brethren now require, in order to the validity of General Conference action? Had the General Conference any more power to make one of these changes than the bishops had to disorganize and destroy the church? According to the new southern doctrine, no more, nor even half so much. We see, then, that the doctrine of a co-ordination of power between the episcopacy and the General Conference is altogether inconsistent with the history of General Conference action, ever since the organization of the church.

5. I object to the views of our southern brethren in relation to the relative powers of the General Conference and the episcopacy, that they were not the views of our fathers.

Dr. Coke and Bishop Asbury, in their Notes upon the Discipline, drawn up by order of the General Conference, and printed in 1792, hold the following language. Speaking of the primitive episcopacy, they say:—

"The bishop by no means superintended his diocese in a despotic manner, but was rather the chief executor of those regulations which were made in the college of presbyters, which answered to the convocations, synods, or conferences, of all well-organized churches in modern times."—*Discipline of* 1792, p. 8.

Again:—

"And we verily believe, that if our episcopacy should at any time, through tyrannical or immoral conduct, come under the severe censure of the General Conference, the members thereof would see it highly for the glory of God to preserve the present form, and *only* to change the men."—*Ib.*, p. 42.

Again:—

"But the American bishops are as responsible as any of the preachers. They are *perfectly subject* to the General Conference."—*Ib.*

I preserve the italicising as it is in the copy. And again:—

"They [the bishops] are perfectly dependent; their power, their usefulness, themselves, are entirely at the mercy of the General Conference."—*Ib.*, pp. 43, 44.

And yet again:—

"Among us there is no exception. Our bishops are bound to obey and submit to the General Conference."—*Ib.*, p. 66.

We have an authority upon this point preserved by Bishop Emory, in his "Defense of our Fathers," which I shall here introduce, with his account of the author, and his own indorsement. It

is from Mr. John Dickens, one of the early Methodist preachers,* and is as follows:—

"'We all know Mr. Asbury derived his official power from the conference, and therefore his office is at their disposal.' 'Mr. Asbury,' he says in another place, 'was thus chosen by the conference, both before and after he was ordained a bishop; and he is still considered as the person of their choice, by being responsible to the conference, who have power to remove him, and fill his place with another, if they see it necessary. And as he is liable every year to be removed, he may be considered as their annual choice.' The high standing of John Dickens is too well known to need any statement of it here. He was also the particular and most intimate friend of Bishop Asbury. And the pamphlet containing the above sentiments was published by the unanimous request of the conference held at Philadelphia, Sept. 5, 1792; and may be therefore considered as expressing the views both of that conference and of Bishop Asbury in relation to the true and original character of Methodist episcopacy."—*Defense of our Fathers*, p. 110.

To all this Dr. Bascom replies as follows:—

"These concessions all date back to an order of things not in existence since 1808, and can, therefore, have no weight whatever against the force of our general position on this subject. All the power now found in the General Conference over the episcopacy, amounts to nothing more than that bishops are legally and strictly responsible for their conduct as ministers and bishops, and that it is competent for the conference to lay them aside, by judicial process, whenever they shall be found guilty of misconduct, either as men or officers, which obviously requires it."—*Review*, p. 155.

The answer is not at all satisfactory: because all the original powers of the General Conference, when it was composed of all the elders, were given to the delegated General Conference, except what is embraced in the six restrictive rules; and there is nothing there touching the responsibilities of the bishops. They hold their office by the same tenure, and subject to the same responsibilities, as before the delegated General Conference had a being.

Bishop Hedding is still living, and it is devoutly to be hoped he may be able for years to serve the church in the highly-responsible office of a bishop. Though still among us, his age, talents, and piety, entitle his opinions to be enrolled with those of Coke, Asbury, and their contemporaries. He says:—

* John Dickens, when the Book Concern was established in Philadelphia, in 1789, was constituted agent and editor, and continued to fill the office until 1798, when he died with yellow fever. He was a man of great judgment and integrity, and a considerable scholar. See Bangs' Hist., vol. ii, pp. 67–71.

"The traveling preachers gave the bishop his power, they continue it in his hands, and they can reduce, limit, or transfer it to other hands whenever they see cause."—*Discourse on the Discipline.*

6. To these authorities I add all the bishops who signed the episcopal Address to the late General Conference. In that Address we have the following very clear and explicit avowal of the doctrine of the subordination of the episcopacy to the General Conference:—

"The general itinerant superintendency, vitally connected, as it is believed to be, with the effective operation, if not with the very existence, of the whole itinerant system, cannot be too carefully examined or too safely guarded. And we have no doubt but you will direct your inquiries into such channels as to ascertain whether there has been any departure from its essential principles, or delinquency in the administration in carrying it into execution; and in case of the detection of error, to apply such correction as the matter may require.

"There are several points in this system which are of primary importance, and on that account should be clearly understood. The office of a bishop, or superintendent, according to our ecclesiastical system, is almost exclusively executive; wisely limited in its powers, and guarded by such checks and responsibilities as can scarcely fail to secure the ministry and membership against any oppressive measures, even should these officers so far forget the sacred duties and obligations of their holy vocation as to aspire to be lords over God's heritage.

"So far from being irresponsible in their office, they are amenable to the General Conference, not only for their moral conduct, and for the doctrines they teach, but also for the faithful administration of the government of the church, according to the provisions of the Discipline, and for all decisions which they make on questions of ecclesiastical law. In all these cases this body has original jurisdiction, and may prosecute to final issue in expulsion, from which decision there is no appeal."—*Address, Journal*, p. 154.

This language is too explicit to need a commentary. Both in doctrine and expression, it is plainly and directly opposed to the positions of Dr. Bascom.

These testimonies are conclusive. The language is so explicit upon the point at issue, that there is no necessity for commentary or argument. And it is worthy of remark, that, although most of them were quoted in the argument in the late General Conference, in the case of Bishop Andrew, and are imbodied in the Reply, they were not answered by the speakers in the opposition, nor are they met by Dr. Bascom in his Review. Dr. Bascom's course is to prove his peculiar views by these same authorities, in connection with others, by counter passages. But, in all his quotations (and they are numerous) he proceeds upon the slovenly and most repre-

hensible plan of leaving his readers to find his passages, in their proper connections, as they can, never quoting the page, or even the book. Authorities, thus thrown in, in cases in which all depends upon the sense designed by the author, and, without reference to their connections, mean nothing at all, are of no weight whatever; and a writer has no right to expect that an opponent will take the trouble to search out authorities which are never properly presented. I do not say this to avoid the force of the authorities intimated by Dr. Bascom: for a thorough examination would show that they are either but partially quoted, or are not at all to his purpose. I will now give the reader a specimen of the doctor's proofs, and it shall be one which is more direct to the point now in question than any of the others. Thus he proceeds:—

"Dr. Bangs says, 'Mr. Wesley ordained Dr. Coke to this very office,' (the episcopal,) and sent him to America, '*with power* to ordain others, and exercise functions which appertained not to simple presbyters.' He says, of Methodist episcopacy, it was of Mr. Wesley's 'own creation—the child of his choice.' He adds, 'Mr. Wesley certainly intended Dr. Coke and Mr. Asbury to exercise *jurisdiction* over the *whole church* in America.' And again, 'episcopal powers were certainly *invested in them*' by Mr. Wesley, and, says the doctor, there 'was an episcopal *jurisdiction*, to all intents and purposes.'"—*Review*, p. 128.

Now, where Dr. Bangs says all this the reader is left to find out as well as he can. I shall not concern myself about it, as it proves nothing to Dr. Bascom's purpose. There is one line, indeed, which seems to look toward the southern theory. "Mr. Wesley certainly intended Dr. Coke and Mr. Asbury to exercise *jurisdiction* over the whole church in America." But it is nothing to the question what "Mr. Wesley intended:" the question is, what actually obtained. Did they exercise that jurisdiction? and if so, by what authority, and on what tenure? But there is not a word in all Dr. Bascom's mass of quotations about *co-ordinate powers:* not one of them represents the episcopacy as "an independent department" of the government. Most of these authorities seem to be directed to the question of the *origin* of our episcopacy. To this question I shall attend under another head; for the present I am endeavoring to ascertain the relations of the episcopacy to the General Conference. I have shown, I think, clearly and conclusively, that the episcopacy is subordinate to the General Conference. The evidence of this fact which I have adduced I now leave with the reader, and I do this with the more confidence, as there is scarcely the shadow of argument adduced in opposition to our position. Our southern brethren seem to have satisfied themselves with opposing

their own simple denials to what we bring from the Discipline, the history of General Conference legislation, and the declarations of our venerated fathers. But, though we are ready to give them all the credit to which their learning, talents, and piety entitle them, we cannot concede to them the right to settle a question of so much importance by a mere *ex cathedra* decision, without either reason or authority pertinent to the point in debate. But I must hasten to another point.

§ XVI.—*What are the Rights and Powers of the Bishops in the General Conference?*

According to the Discipline, "the General Conference shall be composed of one member for every twenty-one members of each Annual Conference, to be appointed either by seniority or choice, at the discretion of such Annual Conference."—*Discipline*, chap. i, sec. iii. It is further said that "one of the superintendents shall preside in the General Conference; but in case no general superintendent be present, the General Conference shall choose a president pro tem."—*Ib.* There never has been any rule constituting the bishops members proper in the General Conference, nor is there anything in the nature of their relation to the body, as mere *presidents*, which entitles them either to a vote or a part in the discussions. The Protest declares that "the bishops are, beyond a doubt, an integral, constituent part of the General Conference, made such by law and the constitution."—*Journal*, p. 194. And Dr. Bascom says:—

"As connected with the presidency of the General Conference, bishops have been in the habit of giving their opinion and advice, offering resolutions, and even voting in the instance of a tie. The practice, however, has varied at different times, and with different men. As lately as the General Conference of 1840, one bishop offered a series of resolutions, which were adopted by the conference, and another gave the *easting* vote on an important question, to which no exception was taken, and both these acts, stated upon the Journals, were subsequently *approved* by the conference, without dissent. In fact, the presidents have always been recognized as constitutional members of the General Conference, until the new era of 1844."—*Review*, p. 140.

Early in the history of General Conference action, "the chair," in some instances, made *motions;* but this practice has long since been obsolete. It was never orderly; but was not, perhaps, in the days of Coke and Asbury, regarded as particularly objectionable. As to "voting in the instance of a tie," that has occasionally occurred; but I see no reason to justify it which would not entitle *the chair* to

a vote upon every count. As to the "series of resolutions" "offered" by "one bishop" in "the General Conference of 1840," northern men recollect the matter with no great amount of pleasure. But for the resolutions offered by "the senior superintendent," we should not have been vexed for four years with the obnoxious "colored testimony resolution." By putting himself into the position of an advocate, and moving a set of resolutions, which had the appearance of a pacific measure, and yet really did nothing at all for the north, he inflicted upon us a blow which is not yet forgotten. The same bishop made party speeches at the late General Conference. And from several allusions which he has made to the affair since, it would seem that he took it in ill part that a member ventured to suggest that we did not "wish our bishops to enter the arena of strife." The author of that remark, upon noticing the bishop's sensitiveness upon the point, observed: "If the bishop does not find, in the end, that the remark was dictated by discretion, history will not confirm what philosophy teaches." All the specimens which have come under my observation of the exercise, upon the part of the bishops, of the assumed right to move resolutions, and take part in the discussions of the General Conference, have been unfortunate ones; and have gone to confirm me in the opinion that, if it were even a "vested right" of the episcopacy, it would at least be policy to waive it. But Dr. Bascom gives us a final qualification:—

"It is not meant to say the president of a General Conference is a member in the sense in which Annual Conference delegates are; but that the constitution makes him a part of the body in virtue of his right of general *oversight*, which extends to the General Conference, as well as other departments of the ecclesiastical system."—*Review*, p. 141.

"The constitution makes him" no "part of the body," except the *president*. And as president in a *General* Conference he is a mere *moderator*. No powers, privileges, or rights, are assigned to him there, except what are implied in his position as *chairman*, or *moderator;* and if Dr. Bascom knows where "the constitution" gives anything more than this, I would thank him, most kindly, to point it out. But surely, after all he has said about "law," "statutes," "constitutional provisions," and "vested rights," and the efforts he has made to prove that the General Conference of 1844 committed a mortal sin, in acting upon its own construction of law, where there was no specific statute, he will not claim "constitutional rights" for the bishops, merely upon construction, and especially where his construction is made out of whole cloth, without a

shred in the hook with which to weave his web. I must hold Dr. Bascom to consistency, whoever else violates that principle.

Dr. Bascom seems to have forgotten the doctrine of the bishops' Address to the late General Conference upon the subject of the rights and duties of a bishop in the General Conference. I will refresh his memory. In defining their duties, they mention "presiding in the General and Annual Conferences." They then say:—

"But there is a marked difference in the relations the president sustains to these two bodies. The General Conference, being the highest judicatory of the church, is not subject to the official direction and control of the president any further than the *order* of business and the preservation of decorum are concerned; and even this is subject to *rules* originating in the body. The *right* to transact business, with respect to matter, mode, and order of time, is vested in the conference, and limited only by constitutional provisions; and of these provisions, so far as their official acts are concerned, the conference, and not the president, must be the judge."—*Address, Journal*, p. 155.

This is a passage which Dr. Bascom ought well to have considered before he wrote his book. "The *right* to transact business, with respect to matter, mode, and order of time—limited only by constitutional provisions; and of these—the conference—must judge." Surely this is all that the north ever claimed for the General Conference. And it was for doing just what the bishops—including Bishops Soule and Andrew—say they have a "right" to do, that the late General Conference have been so severely arraigned by the south. And it is the very power that the bishops here concede to the General Conference, without the least apparent reserve, that Dr. Bascom thinks so dangerous to the interests of the church, and so evidently "unconstitutional."

§ XVII.—*Is the Episcopacy in the Methodist Episcopal Church an Order?*

The theory of Methodist episcopacy is based upon the hypothesis that, in New Testament and primitive usage, *επισκοποι, episkopoi—bishops*—and *πρεσβυτεροι, presbuteroi—presbyters*—were essentially of the same order. It was upon this principle that Mr. Wesley assumed the right to ordain a "superintendent" and several "presbyters" for America. In his letter to Dr. Coke, Mr. Wesley says: "Lord King's account of the primitive church convinced me, many years ago, that bishops and presbyters are the same order, and consequently have the same right to ordain."

These few lines show definitely the ground upon which Mr.

Wesley proceeded to ordain ministers for America. They are far better than a thousand pages of explanation, because they are more easily understood. Upon the ground of Mr. Wesley's ordinations there is, I believe, no controversy between the north and the south. Dr. Bascom makes no issue with us here.

But it has become a question whether, though Mr. Wesley proceeded upon the principle that "bishops and presbyters are the same order," he did not institute a third order: that is, whether he did not, in fact, constitute an order above the order of presbyters, which he called "superintendents," and which we now call *bishops*. I understand our southern brethren now to take the affirmative of this question. The following is Dr. Bascom's qualified statement of his views upon the question:—

"In the theory of Methodist Church government, as found in the Discipline of the Methodist Episcopal Church, and variously explained and illustrated in the history and publications of the church, bishops are regarded as a *third order* in the ministry only, in view of their *governing* powers as church or ecclesiastical rulers. They are a third order, not in the institution of the Christian ministry, as derived from Christ, but in the structure of the government which claims to be divinely authorized, because consistent with the doctrine and practice of the New Testament, without being required by it, to the exclusion of other forms of government."—*Review*, pp. 126, 127.

Then it would seem that bishops are "a third order in the ministry only, in their *governing* powers, as church or ecclesiastical rulers." If the doctor means to say merely that our bishops, as ecclesiastical officers, are above the presbyters, I have no dispute with him. But he certainly exposes himself to be misunderstood by using the word *order* in a sense in which it is not sanctioned by Methodist usage. Our writers uniformly use the words *order* and *office* in different senses, and characterize our episcopacy as an *office* in contradistinction from the *order* of bishops as held by prelatists. If Dr. Bascom does not differ from them in reality, why need he in appearance? Why affect a new and peculiar phraseology? I should like a little more light upon the meaning of this phrase "*governing* powers, as church or ecclesiastical rulers." What portion of the episcopal functions are embraced under the notion of "governing powers?" Does it embrace the right of ordination? If it does not, then that right must belong to the eldership; but this Dr. Bascom everywhere discards. If the "governing powers" of the episcopacy, as it is established in our church, embrace the exclusive right of ordination, with other ministerial functions peculiar to the office, we have in it the essential elements

of prelacy, whatever we may say of "the institution of the Christian ministry as derived from Christ."

There are other passages in Dr. Bascom's book which look more directly to what I should call Methodist prelacy. He says:—

"The forms of ordination, as it relates to *three orders or grades* of the ministry, originally received from Wesley, as not only valid and sufficient, but always regarded as essential to the very existence of the ministry, and, of course, the church, must be considered as a constitutional arrangement, and an undoubted part of the constitution."—*Review*, p. 68.

And again:—

"The episcopacy was the first formative element or principle in the organization of the church. It was the primal arrangement, around which all others clustered and settled into order and symmetry. It was by an authority antecedent and superior to the General Conference, that the bishop was created president, and head of that body, which he could not be without belonging to it. His right of headship and presidency is not derived from the General Conference in any way. He is not indebted to the General Conference for his *position* there. His being there is not by concession of that body. As the general rule, his presidency is one of the conditions of the existence of that body."—*Ibid.*, p. 69.

What does this imply but that the episcopacy is the source of all ecclesiastical power? "this [the bishop's] right of headship" being inherent in the office he holds, or rather, the *order* to which he was elevated in his ordination. The Protest says, "The General Conference . . . does not possess the right of ordination, without which a bishop cannot be constituted."—*Journal*, p. 194. Is not this the doctrine of succession?—that the presbytery, or highest council, or synod of the eldership, "does not possess the right of ordination;" that "a bishop cannot be constituted without" ordination; that "episcopacy is the first formative element or principle in the organization of the church;" that the bishop's "right of headship, or presidency, is not derived from the General Conference," or supreme council of the elders, "in any way;" that this "right of headship" is imparted by ordination; and that "three degrees or grades of the ministry" are "always regarded as essential to the very existence of the ministry, and, of course, the church." I have always supposed these principles constituted the very elements of prelacy, as held by the rankest Puseyites of the present age. These are the very propositions which have been in debate between prelatists and presbyterians for centuries; and upon which we, as I suppose, have always taken the presbyterian side. If I have been deceived, I wish now to know it. For if Methodist

episcopacy turns out to be a kind of upstart prelacy, with all the arrogant assumptions of that system, and yet without any pretensions to "the apostolic succession," I should wish to make all haste to repudiate and renounce it altogether. But, in my humble judgment, this is not the right view of our church polity. Against it I must enter my humble protest, for many reasons, some of which are the following :—

1. The supposition that Mr. Wesley intended to institute three orders of ministers—bishops as distinct from presbyters as presbyters are from deacons—involves him in gross inconsistencies and absurdities.

According to "Lord King," the primitive bishops were, as to order, simple presbyters. This theory he sustains by the New Testament and the fathers of the first three centuries. His arguments convinced Mr. Wesley "that bishops and presbyters are the same order, and consequently have the same right to ordain." And as Mr. Wesley says in his letter, the "American brethren" "are at liberty simply to follow the Scriptures and the primitive church," he could not have intended to institute a form of government radically different from that which "Lord King's account of the primitive church" presents. The view here opposed involves Mr. Wesley in the grossest absurdity and folly. It makes him say, "Lord King's account of the primitive church convinced me many years ago, that bishops and presbyters are of the same order, and consequently have the same right to ordain: I, accordingly, as a presbyter in the church of Christ, have concluded 'to exercise that right' by ordaining a superintendent and several presbyters for America: and now, brethren of America, I leave you 'at full liberty simply to follow the Scriptures and the primitive church,' by accepting at my hands, and ever preserving with inviolable fidelity, a system of church polity which recognizes '*three orders or grades* of the ministry, originally received from *me*, as not only valid and sufficient, but always regarded as essential to the very existence of the ministry, and, of course, the church:' and this, down to the end of time, 'must be considered as a constitutional arrangement, and an undoubted part of the constitution.'" Now who can believe that John Wesley ever fell into such gross absurdity as this would be? And, according to the southern theory, this inimitable folly stands out upon the very surface of the papers which that great and good man put into the hands of Dr. Coke, when he sent him to America. A strange compliment this to Mr. Wesley, to his poor dupe Dr. Coke, to the simple Francis Asbury, and to the blinded preachers and people under his care in America!

2. I object to this theory, that it is a flat contradiction of the doctrines, teaching, and professions of our venerated fathers and defenders.

I will now quote two passages from Coke and Asbury's Notes on the Discipline, which form as clear a contrast, both in doctrine and language, to Dr. Bascom's representations, as could well be constructed :—

"Nor must we omit to observe, that each diocese had a college of elders or presbyters in which the bishop presided. So that the bishop by no means superintended his diocese in a despotic manner, but was rather the chief executor of those regulations which were made in the college of presbyters, which answered to the convocations, synods, or conferences of all the well-organized churches in modern times."—*Discipline of* 1792, p. 8.

Again :—

"The authority given to, or rather declared to exist in, the General Conference, that in case there shall be no bishop remaining in the church, they shall elect a bishop, and authorize the elders to consecrate him, will not admit of an objection, except on the supposition that the fable of an uninterrupted apostolic succession be allowed to be true. St. Jerome, who was as strong an advocate for episcopacy as perhaps any in the primitive church, informs us, that in the church of Alexandria (which was, in ancient times, one of the most respectable of the churches) the college of presbyters not only elected a bishop, on the decease of the former, but consecrated him by the imposition of their own hands *solely*, from the time of St. Mark, their first bishop, to the time of Dionysius, which was a space of about two hundred years : and the college of presbyters in ancient times answered to our General Conference."—*Ibid.*, p. 46.

Here the bishop is made "the chief executor of those regulations which were made in the college of presbyters," who "not only elected a bishop on the decease of the former, but consecrated him by the imposition of their own hands *solely;*" and this "college of presbyters, in ancient times," it is said, "*answered to our General Conference.*" Contrast this with the language of the Protest and the Review :—"The General Conference, as such, cannot constitute a bishop. . . . . This right of headship and presidency is not derived from the General Conference in any way. He is not indebted to the General Conference for his *position* there." Can any two systems be more perfectly adverse than that of the bishops of 1792, and that of our southern brethren of 1844–45?

3. This theory places our bishops in a "consecrated station," which it would be impossible for them to resign, and fall back upon their orders as presbyters in the church.

The doctrine of orders implies the principle that the higher grade embraces and swallows up the lower; so that when we enter on a higher grade the lower is annihilated, or, at least, so lost in the higher, by, so to speak, being compounded with its very elements, that we can never resign the higher and retain the lower order. So, as a presbyter cannot resign the office of a presbyter and retain that of a deacon, a bishop (upon the supposition that he is of a third order, independent of that of presbyter) cannot resign the episcopal office and retain that of presbyter.* That this would be a novel principle in our church polity is plain from the fact that our bishops have considered themselves at liberty, at any time during the session of the General Conference, to resign their office, and fall back into the ranks of regular presbyters. Bishop Asbury, in consequence of bodily infirmities, brought on through excessive labors, seriously "came to the conclusion, that unless the episcopacy was strengthened at the General Conference of 1800, he would be under the necessity of resigning; and it is said had even prepared his valedictory address."—See *Memoirs of the Rev. Jesse Lee, by Minton Thrift*, p. 267. See also the statement of Jesse Lee himself, in his Journal, ibid., p. 268.† In 1836 Bishop Roberts proposed to resign;

* Bishop White has left upon record an account of the proposition of Bishop Provoost, in 1801, to the General Convention, to resign his "jurisdiction as a bishop of the Protestant Episcopal Church," and the action of the convention upon the case. The action is as follows:—"The house of bishops having considered the subject brought before them by the letter of Bishop Provoost, and by the message from the house of clerical and lay deputies, touching the same, can see no grounds on which to believe that the contemplated resignation is consistent with the ecclesiastical order, or with the practice of Episcopal churches in any age, or with the tenor of the office of consecration." —*Memoirs Prot. Ep. Ch., Appendix*, No. 24.

Here we have the doctrine of prelatical churches. But whether it is a doctrine which harmonizes with the Methodist views of "the tenor of the office of consecration," it will be well now seriously to inquire.

† We have a minute of this delicate affair in the Journals, of a character which of itself speaks the same doctrine which Dr. Coke and Mr. Asbury utter in their Notes upon the Discipline. The minute dates May 7, 1800, and is as follows:—"A request being made that Mr. Asbury should let the conference know what he had determined to do in future, he intimated that he did not know whether this General Conference were satisfied with his former services. A member proposed that a vote should be taken: the vote was objected to until a reason should be assigned for such suspicion. Mr. Asbury then arose to speak in his own behalf, and said, his afflictions since the last General Conference had been such, that he had been under the necessity of having a colleague to travel with him; that his great debility had obliged him to locate several times; and that he could only travel in a carriage: and he did

but the conference thought best to insist upon the continuance of his services in the episcopal office. Whether that was the wisest course, may now fairly be doubted, as his excessive labors probably hastened his end. During the same conference, Bishop Hedding preached the sermon upon the occasion of the ordination of Bishops Waugh and Morris, in which he represented the episcopal office as one held by the mutual consent of the General Conference and the incumbents; and, of course, as the General Conference might deprive them of it, so they might voluntarily resign it. This did not strike me as a novel doctrine at all; and that it was not supposed heretical by the General Conference is obvious, from the fact, that a resolution was passed, requesting of the bishop "a copy for publication!" Upon our return from Cincinnati we had the pleasure of the company of Dr. Bascom to Augusta, and of Bishop Andrew, I think, to Maysville. Some time during the passage the doctrine of Bishop Hedding's sermon was made matter of discussion. Bishop Andrew expressed himself decidedly in favor of it, particularly so far as it related to the right of a bishop to resign: but Dr. Bascom (I think not in the circle in which the first conversation took place, but in an interview between him and myself alone) objected to the doctrine; and proceeded to say, that "much of a radical" as he had "been considered," that doctrine was "too radical" for him. I recollect this circumstance more perfectly because Dr. Bascom's opposition to what I supposed no Methodist preacher would for a moment doubt, rather surprised me, and I now relate it merely as a part of the history. That Bishop Andrew did meditate a resignation has been often asserted since the commencement of the present controversy; and, I believe, has been conceded by himself. And that a Methodist bishop might resign his office without forfeiting his ministerial character, I think I never heard questioned except in the instance above mentioned.

4. I object to this doctrine, because, if we were to adopt it, we should be exposed to the suspicion of presbyterians, to the scorn

not know whether this General Conference as a body were satisfied with such parts of his conduct.

"Whereupon a motion was made by Brother Ezekiel Cooper, that this General Conference do resolve, that they do consider themselves under many and great obligations to Mr. Asbury for the many and great services that he has rendered to this connection. Secondly. That this General Conference do earnestly entreat the continuance of Mr. Asbury's services as one of the general superintendents of the Methodist Episcopal Church as far as his strength will permit. Agreed, nem. con."

of prelatists, and should be utterly unprotected against the accusations of radicalism.

When presbyterians have accused us of prelatical assumptions, and prelatists have denounced our episcopacy as "spurious," hitherto we have said, Our episcopacy is an office created by the eldership for the convenience and efficient action of our peculiar system. We have uniformly rejected the doctrine of *three orders*, of apostolic succession, and of prelacy in general; and have thus maintained a consistent position. But what we could say for ourselves upon the southern ground, I am at a loss to divine. Perhaps our southern brethren can sustain their new position; but upon what ground of legitimate reasoning I have yet to be informed.

5. I reject the theory of three orders, upon the authority of the bishops of 1844.

Very fortunately our bishops, in the Address they presented at the opening of the late General Conference, gave us an exposition of the powers, duties, and responsibilities of the episcopacy. The views set forth are sound, and true to the standard laid down by our fathers. The bishops say, with regard to the part they take in ordination, which they call "confirming orders," that

"this confirmation of orders, or ordination, is not by virtue of a distinct and higher *order*. For, with our great founder, we are convinced that bishops and presbyters are the same order in the Christian ministry. And this has been the sentiment of the Wesleyan Methodists from the beginning. But it is by virtue of an *office* constituted by the body of presbyters, for the better order of discipline, for the preservation of the unity of the church, and for carrying on the work of God in the most effectual manner."—*Address*, *Journal*, p. 155.

To the Address containing this passage we have the signatures of the board of bishops, embracing "Joshua Soule" and "James O. Andrew." Whether these gentlemen will stand by their Address, now that their great advocate finds it necessary, for the defense of the southern movement, to take an entirely opposite view of the subject, perhaps time will tell.

There are several other precious concessions in this Address, in close connection with the above, of which I shall avail myself in the proper places, which we might never have had with all the signatures which are now appended to them, had not the Address preceded the discussion in the case of Bishop Andrew.

For these reasons, and many others that might be urged, I object to the doctrine of "three orders in the ministry" in the Methodist Episcopal Church. I deny that Mr. Wesley intended to institute three distinct orders; I deny that our fathers so understood

it; I deny that we have three orders: and I assert, that the world has no right to charge us, or our respected and venerated fathers, with the absurdity which such a supposition involves. The doctrine is a novelty; and our southern brethern are welcome to it, if it will be of any service to them; but we wish it no local habitation at the north.

§ XVIII.—*Has the General Conference Power to depose a Bishop?*

The supremacy of the General Conference, from the period of its organization, seems to have been a conceded point. The delegated General Conference, which was authorized and provided for in 1808, would naturally and necessarily have possessed all the powers of the whole collective body of the preachers, had no limitations been prescribed. The six restrictive rules constitute all the limitations which the General Conference of 1808 saw proper to prescribe to the action of the future delegated body, and these have never been altered or modified without the consent of the Annual Conferences.

Now, in the restrictive rules there is no one limiting the power of the General Conference in relation to the episcopacy, excepting, as I have already noticed, the one which prohibits its being destroyed, or its being made a diocesan instead of a general superintendency—"They shall not change or alter any part or rule of our government so as to do away episcopacy, or destroy the plan of our itinerant general superintendency." Here is all the restriction there is to the action of the General Conference in relation to the episcopacy. As we have seen, provision is made for a strict accountability of the episcopacy to the General Conference, and that its powers have been modified by that body from time to time, as occasion required. It is not denied but that the General Conference have power to try and expel a bishop. But our southern brethren maintain that the right to suspend from office judicially, or to suspend from the *exercise* of the functions of office *prudentially*, does not follow. The ground taken is, that the General Conference has no power which is not delegated to it by the Annual Conferences in the constitution, and as it is nowhere said that the General Conference shall have power to suspend a bishop from office, or the exercise of its functions, they cannot do it without an infringement upon the rights of the episcopacy and a dangerous assumption of power. The Protest says:—"The bishops are beyond doubt an integral constituent part of the General Conference, made such by law and the constitution; and because elected by the General Conference it does not follow that they are subject to the will of that body,

except in conformity with legal right and the provisions of law, in the premises." Our southern brethren require us to show the "law" *giving* the power, and *prescribing* the mode of its application, before they will allow that the General Conference has any constitutional right to touch a bishop. Now I oppose to this theory the following considerations:—

1. According to this theory a bishop cannot be corrected, censured, or reproved, whatever may be his course of administration or the character of his intercourse with the people; for the General Conference has no power given to it in the constitution to do any such thing. Unless a bishop subjects himself to a charge and a judicial process, which, if he be convicted, would expel him from the church, the General Conference cannot correct him. This would be leaving the highest officer in the church—the one in whose hands are reposed the destinies of the church, and especially of the ministry—under no responsibilities except for moral character. A bishop might through imbecility or recklessness ruin every Annual Conference he should attend; and if he were not chargeable with immorality, no one could molest him—not even the General Conference itself. These bearings of the southern theory constitute an *a priori* objection to it. Such a construction of the provisions of the Discipline must be, to say the least of it, exceedingly doubtful, and it should require the most conclusive proof to originate a suspicion that our wise legislators intended to palm such a system upon the church.

2. The only rule fixing the responsibility of a bishop or providing for his punishment, in the case of delinquency, which was instituted in the General Conference of 1784, is still retained in the Discipline without alteration: "To whom is a bishop amenable for his conduct? To the General Conference, who have power to expel him for improper conduct, if they see it necessary." From this till 1792 there was no form of trial for a bishop, even for immoral conduct. The fact that this question and answer are retained in the Discipline, notwithstanding the rule "for the trial of an immoral bishop," would seem to imply that a class of offenses is looked to below *immorality*,* for the correction of which no other provision has been made.

Suppose, then, a bishop to be accused of "improper conduct" under the rule, what would be the order of proceedings? I presume all would admit that the General Conference should proceed to hear the charge, specifications, and pleadings pro and con, and

* This construction fills Dr. Bascom with great horror. After all, I prefer the sound views of Bishop Hedding to those of the learned reviewer.

then pass judgment. This would be sanctioned by analogy; but still there would be no law for it, according to the construction of our southern brethren. For, if I understand them, the General Conference must show from the book both the power and the mode of its application—both the authority and the process in that specific case. They can infer nothing from general grants of power—they must show the right *to proceed in such a particular case and the mode of proceeding*. And because they could not do this in the case of Bishop Andrew, they are charged with "extra-judicial" proceedings—with proceeding "without law and above law." I have shown before that this charge is baseless, and that the General Conference is fully sustained in the proceedings in the case of the bishop by the general powers given in the constitution. I refer to it again because it is related to the particular point in question. Here, then, the General Conference has power to expel a bishop for improper conduct, by a discretionary process—for no form of trial is prescribed. I urge then that the less is contained in the greater—that power to expel implies power to depose, to suspend from office, or from the *exercise* of the functions of office. And as the General Conference is left to select the mode or process in a case of "improper conduct," for which the accused may be expelled "if they see it necessary," I see no reason why they should be bound to a mode or process if they do not "see it necessary" to go quite so far as expulsion.* The power to expel *at discretion, for improper conduct*, as contained in the rule, I consider fully sustains the General Conference in its action in the case of Bishop Andrew, and clearly sets aside the objection founded upon the want of explicit law for the suspension of a bishop.

I have noticed before that Dr. Bascom is not very scrupulous of the forms of law or of explicit constitutional provisions, when he would shield or extend the episcopal prerogatives. There is another occasion for this remark connnected with his commentary upon the rule under consideration. He maintains that "there must be [not there *ought* to be] something in the constitutional structure of the government to check and counterbalance" "General Conference power."

* I proceed in this argument upon the supposition that expulsion from the church, and not merely expulsion from office, is intended in the rule, though the latter view would suit my argument equally well. For if mere deposition is intended, (and there is high authority for this construction,) then here is clear authority for deposing a bishop for improper conduct, at the discretion of the General Conference, so far as the forms of proceeding are concerned.

"When it is obvious, for example, that an act of the General Conference is subversive of constitutional right, it is the plain and undeniable duty of the bishops, as constitutional officers of the whole church, to resist the wrong in a proper manner, and not give sanction and currency to a grave constitutional abuse, by transforming a legislative or judicial error into an executive general evil. In this way the subject would be brought, in due form, before all the departments of the church, equally independent, under the constitution, and the proper correction of the evil would, in due time, be the probable result. If bishops are allowed to have judgment and conscience in the premises, how can they act otherwise than as we suggest? When the General Conference, in the judgment of the episcopacy, have not only failed to represent the constituent bodies electing them, but so acted as to inflict deep and permanent injury upon them, are not the bishops, as having the general oversight of all, allowed to dissent, and in a proper and respectful manner appeal the case for remedy to other departments of the church?"—*Review*, p. 149.

To what "departments of the church" the bishops ought to "appeal the case," the doctor does not say. He proceeds:—

"It is not intended to claim that any express grant gives full and perfect right to this effect. It is not alluded to as a matter of right, except upon high moral grounds, connected with the reasons and aims of government."—*Ibid.*, pp. 149, 150.

Here, then, Dr. Bascom gives it as his opinion that it is "the plain and undeniable duty of the bishops to resist the wrong in a proper manner—to dissent and to appeal the case," though he does not "claim that *any express grant gives full and perfect right to this effect.*" Would he have the bishops act "without law and above law?" The bishops, it seems, may proceed upon "high moral grounds" without "express grant," but such a thing in the General Conference would be treason! He proceeds further:—

"The power of the *suspensive veto*, at least, must be found *somewhere* in every good government; in every government, in fact, which is not a tyranny, or liable to become one at any moment."—*Ibid.*, p. 150.

He does not tell us precisely where this "*suspensive veto*" is; but I suppose he would have it *constructively* in the episcopacy. It "must be *somewhere* in every good government," and as I suppose Dr. Bascom does not think ours a bad government, he is confident that this "power of the suspensive veto" exists, perhaps in a *latent* state, in the constitution, and properly belongs to the bishops. By way of proof he refers to Bishop M'Kendree's proceedings in relation to the "suspended resolutions" of 1820, and proceeds to observe:—

"And it is known, that in 1824 he had a measure brought forward, the object of which was, to give to the episcopacy, subject to proper restrictions, the right of the negative we are noticing: not with any view to lessen the final power of the General Conference, but to protect the rights of the episcopacy and Annual Conferences, and secure an effective, well-balanced administration of the government."—*Review*, p. 150.

Now the mystery is that Bishop M'Kendree should have "had a measure brought forward" to secure to the episcopacy this "veto" power if they, "as constitutional officers of the whole church," already possessed it. I have a distinct recollection of the discussion upon the question of "a constitutional test," in the General Conference of 1824, and that it was strongly urged that the measure would vest in the episcopacy a dangerous power. Dr. Bascom does not merely revive Bishop M'Kendree's plan, which, in the shape of a law, and applying, as it was intended to do, only to supposed violations of the restrictive rules, would have been comparatively innocent;* but he wishes the bishops to assume "the power of the

* The following is the bill which, after much discussion, was passed by a majority of six votes. As it required "the joint recommendation of all the Annual Conferences," before it could be brought up to the General Conference for final action, it was, of course, negatived by some Annual Conference, and that was the end of it:—

"Be it resolved by the delegates of the Annual Conferences in General Conference assembled, That it be recommended, and it is hereby recommended to the several Annual Conferences, to adopt the following article as a provision, to be annexed to the sixth article of the 'limitations and restrictions,' adopted by the General Conference in 1808, to wit:—Provided, also, that whenever the delegated General Conference shall pass any rule or rules which in the judgment of the bishops, or a majority of them, are contrary to, or an infringement upon, the above 'limitations and restrictions,' or any one of them, such rule or rules, being returned to the conference within three days after their passage, together with the objections of the bishops to them, in writing, the conference shall reconsider such rule or rules; and if upon reconsideration they shall pass by a majority of two-thirds of the members present, they shall be considered as rules and go into immediate effect. But in case a less majority shall differ from the opinion of the bishops, and they continue to sustain their objections, the rule or rules objected to shall be laid before the Annual Conferences, in which case the decision of the majority of all the members of the Annual Conferences present when the vote shall be taken, shall be final. In taking the vote in all such cases in the Annual Conferences, the secretaries shall give a certificate of the number of votes, both in the affirmative and negative, and such certificates shall be forwarded to the editor and general book steward, who, with one or more of the bishops, who may be present, shall be a committee to canvass the votes and certify the result.

(Signed) "Lovick Pierce,
"Wm. Winans."

This, as will be seen, is a mere provision to arrest such acts of the General Conference as may be supposed, by the bishops, "to be contrary to or an

suspensive veto," *without* law! Does this look toward the movements of Bishops Soule and Andrew in the south? I must restrain myself; I find this dangerous ground for me to tread upon. To hear from a Methodist divine of high standing such stange inconsistencies and contradictions would be a trial to a higher degree of forbearance than I can lay claim to. The General Conference, it would seem, is a dangerous body, unless its power is checked by the episcopacy. The General Conference acts "above law and against law," because it *construes* the law under which it acts. The General Conference has become a dangerous, and indeed a destructive, agency in the government, because it claims to regulate the episcopacy. But a power to *veto* the acts of the General Conference, and a right to *construe its own powers*, and to *judge* of the *constitutional powers of the General Conference*, and to "*dissent*" from its acts and "*appeal*" to, nobody knows who, and the right of acting "without law and above law," *can be assumed by the* EPISCOPACY *without the least peril to the interests of the church!* All this may be an exhibition of a high degree of respect for the episcopacy; but as it seems to me, it is a poor compliment to the virtue and integrity of the General Conference. Indeed there is quite too much in Dr. Bascom's book which looks like sheer contempt for the "delegated General Conference." I, however, give no specimens. Let them pass.

3. The practice of the General Conference is conclusive against the doctrine here opposed.

The General Conference of 1808 did both in form and fact, by a simple resolution, without a charge, or specification, or trial, suspend Dr. Coke from the exercise of the functions of his office. I need not give the history of the case.* The following is one of four resolutions which were passed in the case of Dr. Coke, who was then in England:—"Resolved, That Dr. Coke's name shall be retained in our Minutes, after the names of the bishops, in a

infringement upon the limitations and restrictions," "adopted by the General Conference of 1808;" and by no means, as Dr. Bascom supposes, a "suspensive veto" upon all the acts of the General Conference. I venture to say that Bishop M'Kendree never meditated any such law as Dr. Bascom contends for, much less did he, or any of his contemporaries, ever imagine that the right of "the suspensive veto" is now, by the constitution, vested in the episcopacy. Whether Bishop M'Kendree had any hand in this measure at all, does not appear upon the face of the Journals; this, however, is wholly immaterial, as whoever first conceived the scheme, it is not at all to Dr. Bascom's purpose.

* It may be found in Dr. Bangs' History of the M. E. Church, vol. i, chap. vii.

N. B. Dr. Coke, at the request of the British Conference, and by consent of our General Conference, resides in Europe; he is not to exercise the office of superintendent or bishop among us in the United States, until he be recalled by the General Conference, or by all the Annual Conferences respectively."

"The sense" of the General Conference of 1808 was that Dr. Coke should not "exercise the office of superintendent or bishop in the United States until he be recalled," &c. He was never recalled, and consequently he was suspended from the "exercise" of "the office of bishop in the United States" until his death. And all this was done without impeachment or formal trial; and indeed without stating what the "*impediment*" was, or affording him any opportunity to *remove* it.

The argument derived from this case is met by a denial that there is any analogy between the two cases. Of this the impartial must judge. So far as I am able to see, the analogy is sufficiently perfect for our purposes, and, as we have seen, the failure of the analogy, in a few points, strengthens the argument. That the action in the case of Dr. Coke was a suspension from the exercise of the functions of his office, no one will doubt; and that this action is predicated upon no reason, and gives the bishop no chance for escape, is plain upon the very surface of the proceedings. If, then, the proceedings in the case of Bishop Andrew were unconstitutional, those in the case of Dr. Coke were still more so; and yet I am not aware that they were ever complained of by any considerable number, either north or south; much less did any party arise who considered it a sufficient reason for a solemn protest, and a separation from the jurisdiction of the General Conference.

For these reasons, I think the episcopacy at the disposal of the General Conference. The power of removal grows out of the nature of the relations of the two departments; and is, in my opinion, highly expedient. I would not have a bishop injured in any case: I would have the character and feelings of all our bishops duly respected. I respect them for their talents and their great moral worth: I love them "for their work's sake." But none, I hope, will deem it disrespectful in me to say, that their high office adds nothing either to their wisdom or holiness. Great powers are no safer in their hands than they would be in the hands of the same number of other men equally wise and good. Dr. Bascom may think the *centralization* of power highly expedient: he may think the church perfectly safe with the power in half-a-dozen individuals, or even in *one* man, to stop the wheels of legislation, and bring the operations of the machinery of the whole

system of the government to a pause: he may think that Mr. Wesley's commission gives the bishops "the suspensive veto;" that they may, whenever they please, say to the General Conference, "Hitherto shalt thou come, and no further; and here shall thy proud waves [of power] be stayed:" that the purity of legislation would be more effectually secured by this investment of unlimited power in the bishops, than it can be by giving general powers, under certain restrictions, to the General Conference; and that the General Conference would be likely to abuse even restricted power, but unrestricted power would be safe in the hands of the episcopacy! Now I reject this theory altogether; I always did reject it; and I hope I always shall reject it. It is not ancient Methodism. It is much better suited to the meridian of Rome than to that of the Methodist Episcopal Church in the United States.

§ XIX.—*Source of our Episcopacy.*

Our orders were derived from Mr. Wesley, who, as a presbyter of the Church of England, and, under God, the father of the Methodist connection, exercised the right of ordaining ministers for America. He preferred the episcopal form of government; and so set apart Dr. Coke as a superintendent, and gave him letters of episcopal ordination. It seemed right and proper that Mr. Wesley should be consulted, when, in the providence of God, the time had fully come for the American Methodist connection to assume the form and character of a church; and accordingly, being "requested to take such measures in his wisdom and prudence as would afford them suitable relief," he gave them his counsel. The conference of Methodist preachers in America were already an ecclesiastical body, with a superintendent,—unordained indeed, but appointed by Mr. Wesley, under the name of "general assistant,"—and with pastors; they, too, unordained. But being an associated ecclesiastical body, and entirely separate from all foreign ecclesiastical jurisdiction, except that which had been by mutual consent exercised by Mr. Wesley as their spiritual father; and as it was not possible for Mr. Wesley to govern and direct them personally; and especially as the existence of the Methodist societies under Mr. Wesley's directions, *without* the ordinances, was no longer expedient or practicable, certain obligations, duties, and responsibilities, originating from the circumstances, devolved upon the general assistant and the preachers under his care. They were bound to provide for the spiritual nourishment and edification of the souls committed to their charge, and to do this in the most

orderly manner possible. The most natural method, and the one least exceptionable, was the one they resorted to.

But I do not concede that Mr. Asbury, and his preachers, in conference assembled, were a company of mere *laymen*, who had no ecclesiastical rights or responsibilities. They were ministers of Jesus Christ, with the seals of their apostleship about them in multitudes, though no hands had been laid upon them; and they were bound to take the best means, in view of the New Testament examples, and the usages of evangelical churches, to settle a form of ecclesiastical government. And had Mr. Wesley utterly refused to send over ordained men to assist them in their organization, they would have been justified in seeking orders from some other source. Ordination by the Rev. Mr. Otterbine (Mr. Asbury's friend, who, with Dr. Coke and others, laid hands on him) would have been as good as that of the archbishop of Canterbury, and a thousand times better than that of the pope of Rome.

The principles laid down by Archbishop Whately, in reference to the reformers who had left the communion of the Church of Rome, set forth with such admirable skill and consistency, are perfectly applicable here. He says,—

"It is for men so circumstanced to do their best, according to their own deliberate judgment, to meet their difficulties, to supply their deficiences, and to avail themselves of whatever advantages may lie within their reach. If they have among their number Christian ministers of several orders, or of one order,—if they can obtain a supply of such from some other sound church,—or if they can unite themselves to such church with advantage to the great ultimate objects for which churches were originally instituted,—all these are advantages not to be lightly thrown away. But the unavoidable absence of any of these advantages, not only is not to be imputed to them as a matter of blame, but, by imposing the *necessity*, creates the *right*, and the *duty*, of supplying their deficiences as they best can. Much as they may regret being driven to the alternative, they ought not to hesitate in their decision, when their choice lies between adherence to the human governors of a church, and to its divine Master; between 'the form of godliness, and the power thereof;' between the means and the end; between unbroken apostolical succession of individuals, and uncorrupted gospel principles.

"§ 37. Persons so situated ought to be on their guard against two opposite mistakes: the one is, to undervalue the privileges of a Christian community, by holding themselves altogether debarred from the exercise of such powers as naturally and essentially belong to every community; the other mistake is to imagine that whatever they have an undoubted *right* to do, they would necessarily be *right* in doing. In no other subject perhaps would such a confusion of thought be likely to arise, as is implied by the confounding together of things so different

as these two. Although the legislature (as I have above remarked) has an undoubted right to pass, or to reject, any bill, a man would be deemed insane who should thence infer that they are *equally right* in doing either the one or the other. So also the governors of a church are left, in respect of ordinances and regulations not prescribed or forbidden in Scripture, to their own judgment; but they are bound to act according to the *best* of their judgment. What is left to their discretion is not therefore left to their caprice; nor are they to regard every point that is not *absolutely essential*, as therefore *absolutely indifferent*.

"They have an undoubted right, according to the principles I have been endeavoring to establish, to appoint such orders of Christian ministers, and to allot to each such functions as they judge most conducive to the great ends of the society; they may assign to the *whole*, or to a *portion* of these, the office of ordaining others as their successors; they may appoint *one* superintendent of the rest, or *several;* under the title of patriarch, archbishop, bishop, moderator, or any other that they may prefer; they may make the appointment of them for life, or for a limited period,—by election, or by rotation,—with a greater or a less extensive jurisdiction; and they have a similar discretionary power with respect to liturgies, festivals, ceremonies, and whatever else is left at large in the Scriptures."—*Kingdom of Christ*, essay ii, sections 36, 37, pp. 210–212.

Upon these principles we recognize, as I have already said, rights and responsibilities attaching themselves to the American Methodist preachers, before their regular organization in 1784: and I wholly reject Dr. Bascom's view, that "the directions of Wesley form the only warrant of the American societies to become a separate organization."—*Review*, p. 133. They had a "right to become a separate organization" from the moment that it was necessary to the prosecution of the great work in this new country for them to administer the ordinances, and assume all the regular ecclesiastical and pastoral functions; and Mr. Wesley would have had no right to interfere, or cause to complain, inasmuch as it would have been impossible for him, on his former plan of sending his societies to the Church of England for the sacraments, to sustain the work in America; and Mr. Asbury and his associates could not lay their responsibilities on him. I go further, and say, that the action of the General Conference of 1784, in electing their superintendents, in adopting Mr. Wesley's plan and a form of discipline, and instituting prudential regulations, was fully and absolutely necessary to the validity of the church organization.

Mr. Asbury refused to act as a superintendent in America under Mr. Wesley's appointment merely. He says, when the matter was opened to him, "My answer then was, If the preachers unanimously

choose me, I shall not act in the capacity I have hitherto done by Mr. Wesley's appointment."—*Journals*, vol. i, p. 376.

The Rev. Jesse Lee says: "Mr. Asbury was appointed a superintendent by Mr. Wesley, yet he would not submit to be ordained, unless he could be voted in by the conference: when it was put to vote, he was unanimously chosen."—*History of the Methodists*, p. 94.

The Rev. Ezekiel Cooper says: "Mr. Asbury, though appointed by Mr. Wesley, would not be ordained, unless he was chosen by a vote, or the voice, of the conference."—*Funeral Discourse*, p. 108.

Dr. Bangs says: "The first act of the conference was, by a unanimous vote, to elect Dr. Coke and Francis Asbury as general superintendents; for although Mr. Asbury had been appointed to that high office by Mr. Wesley, yet he declined acting in that capacity independently of the suffrages of his brethren over whom he must preside."—*History of the M. E. Church*, vol. i, p. 157.

Mr. Asbury, twenty-one years after the organization of the church, says: "I will tell you what I rest my authority upon. 1. Divine authority. 2. Seniority in America. 3. The election of the General Conference. 4. My ordination by Thomas Coke, William Philip Otterbine, German Presbyterian minister, Richard Whatcoat, and Thomas Vasey. 5. Because the signs of an apostle have been seen in me."—*Journals*, vol. iii, p. 168.

Mr. Cooper says: Dr. Coke, Richard Whatcoat, and Thomas Vasey, came to America, "to confer ordinations, and to assist the Methodist societies in becoming, and organizing themselves, an independent church."—*Funeral Sermon*, p. 103.

Mark the language of this passage, "to *assist* the Methodist societies in becoming, and *organizing themselves*." This wise living father in our church was present in Barret's chapel, in Delaware, when Coke and Asbury first met—knows well the history of the whole proceedings, and he is far from attributing the organization of the church solely to Dr. Coke; but he considers it as the act of "the Methodist societies," *assisted*, in the matter of orders merely, by Dr. Coke and the presbyters who accompanied him.

Mr. Lee has preserved the following question and answer, which were entered upon the minutes of this conference, and attributes the act of organizing the church to the conference, and not to the superintendents:—

"*Quest.* 3. As the ecclesiastical as well as civil affairs of these United States have passed through a very considerable change by

the revolution, what plan of church government shall we hereafter pursue?

"*Ans.* We will form ourselves into an episcopal church, under the direction of superintendents, elders, deacons, and helpers, according to the forms of ordination annexed to our liturgy, and the form of discipline set forth in these minutes."—*History of the Methodists*, pp. 95, 96.

The same form of expression is preserved in the Minutes of the Annual Conferences. After recording Mr. Wesley's letter to Dr. Coke, Mr. Asbury, &c., the following minute is entered:—

"Therefore, at this conference, we formed ourselves into an independent church; and following the counsel of Mr. John Wesley, who recommended the episcopal mode of church government, we thought it best to become an episcopal church, making the episcopal office elective, and the elected superintendent, or bishop, amenable to the body of ministers and preachers."—*Minutes for* 1785.

According to these authorities, the General Conference of 1784 assumed the right and the power to organize the Methodist Episcopal Church. "*We formed ourselves into an independent church, following the* COUNSEL *of* MR. JOHN WESLEY." Nothing can be more clear than that our fathers considered *their* action in the election of the superintendents, and in organizing the church, as absolutely necessary to the arrangement, while they asked and followed Mr. Wesley's *recommendations* and *counsel* as a matter of courtesy.

Dr. Bascom brushes away the action of the General Conference in the election of Dr. Coke and Mr. Asbury as mere dust. Hear him:—

"We have shown, with perhaps sufficient force and clearness, that the General Conference right of *election* has no connection with the rights and powers of episcopacy. These were pre-settled in the constitution, long before the existence of a General Conference, or the election of a bishop in any proper sense; for the informal election of Asbury in 1784 was perfectly null as to any *right* of election, there being neither elders nor deacons in the body, except the Wesleyan 'assistants' of Coke and Asbury, and a merely lay election could certainly confer no *clerical* or *ecclesiastical* right."—*Review*, p. 156.

Dr. Bascom puts so much importance upon this position, that he repeats it again and again. See pp. 68, 69, and 131. But I conclude it at least as safe to believe that the doctor has fallen into an error, as to suppose that Mr. Asbury, Dr. Coke, and the General Conference of 1784, did not know what they were about. Francis Asbury was no dolt; and there was an array of good sound sense in the General Conference of 1784 that has rarely been surpassed

by the same number of men since that day: I will not except even the Louisville Convention. And yet, according to Dr. Bascom, they had not sense enough to understand that they had no right to act at all. It was theirs to receive the boon of episcopacy, and then to remain passively in its hands, and be molded according to its pleasure! Their elections were nullities—they had no ecclesiastical rights; and yet Bishop Asbury, after more than twenty years of study and experience, alledges his "election by the General Conference" as one of the grounds upon which he rests his "authority" as a minister of the gospel. This "election," Dr. Bascom could have informed him, was a mere figment, "perfectly null," as "merely lay election could certainly confer no *clerical* or *ecclesiastical* right."

The Protest declares that "a bishop of the Methodist Episcopal Church is in no prominent sense an officer of the General Conference."—*Journal*, p. 194. Now, that the bishops are elected by the General Conference, and responsible to that body, Dr. Bascom will not deny. That they are high executive officers he will concede. And Dr. Coke and Bishop Asbury, speaking of primitive usage, say, "The bishop was the chief *executor* of those regulations which were made in the college of presbyters, which answered to the convocations, synods, or conferences of all well-organized churches in modern times." Are not our bishops, then, in quite a "*prominent sense*" "officers of the General Conference?"

The theory of our government is based upon the doctrine, that the right of ordination and government exists originally in the presbytery; and the expediency of such executive officers as our bishops arises from the fact, that the presbytery cannot carry out the details of government in their own proper associated capacity; and hence they constitute "chief executors of those regulations" which they enact. These are the doctrines of our fathers; and, by the way, the only doctrines upon which we can give our system of government the least shadow of plausibility.

Dr. Bascom says:—

> "Methodist episcopacy, as an *institute*, both in view of its *origination* and *perpetuity*, is derived from Wesley, and Wesley alone, according to all the chosen witnesses of the church."—*Review*, p. 131.

But the "chosen witnesses of the church," from whom the doctor quotes a multitude of short sentences, (without telling us where he gets them,) say no such thing. The doctor cannot torture a single passage he has found, or is able to find, in any of his "chosen" authorities, into the notion that "Methodist episcopacy,

as an *institute*, both in view of its *origination* and *perpetuity*, is derived from Wesley, and Wesley alone." That our *ordination* was derived from Mr. Wesley we do not deny; and that it was formally recognized or "confirmed" by bishops, is also conceded. But in what sense is it *perpetuated* by Mr. Wesley? Have we got up a *succession* through which *episcopal grace* flows, and without which valid ordinations could not be performed? The "perpetuity" of our episcopacy is derived no more from Wesley than it is from Asbury, M'Kendree, George, or Roberts. Indeed, the Discipline makes provision for the perpetuity of our episcopacy, if all the bishops should die or be expelled. And what if this should occur?—and surely none will pretend that it might not happen—that all our bishops should die in four years, or be expelled by the General Conference for "improper conduct,"—and if the next General Conference thereafter should elect and set apart others, in what sense would Mr. Wesley perpetuate our episcopacy? He did not make, nor, as far as I know, even suggest, the rule which passed in 1792, providing for the election of a bishop by the General Conference, and his ordination by "the elders, or any three of them," "if by death, expulsion, or otherwise, there be no bishop remaining in our church." He certainly made no provision that our bishops should not die or be expelled. If I fathom the doctor's meaning, and it is quite possible I do not, he has discovered a principle of indestructibility in our episcopacy "derived from Wesley," that is to me perfectly novel and incomprehensible. I hope the next time he takes his pen he will tell us *where* this principle lies, and in *what* it consists.

Dr. Bascom proves most conclusively, what no one, that I know of, ever denied—except, perhaps, Alexander M'Caine—that Mr. Wesley ordained Dr. Coke a bishop, and sent him to America with instructions to ordain Mr. Asbury. But what if Mr. Asbury and the General Conference had not "received" Dr. Coke as *their* superintendent? What jurisdiction would he have had in America? His and Mr. Asbury's jurisdiction depended upon the action of the General Conference of 1784, and not upon Mr. Wesley's appointment or Dr. Coke's ordination. And the real question here is a question of *jurisdiction*, and not of ordination; that is, the question is, whence did the first bishops of the Methodist Episcopal Church derive their *jurisdiction*, or *right of government?* I grant that Mr. Wesley was entitled to a high degree of respect and veneration from the young church which had sprung up in America under the labors of his missionaries; but that the conference was bound implicitly to receive his appointments, and obey

his mandates in everything, is more than I am willing to admit. And that Mr. Asbury and the General Conference did not think so, is evident from the fact that Mr. Asbury absolutely refused to act under Mr. Wesley's authority alone, and the General Conference proceeded formally to elect both Dr. Coke and Mr. Asbury superintendents. It was this act, I maintain, that gave them their *jurisdiction* as bishops of the Methodist Episcopal Church. And that this was the light in which they viewed the matter themselves, is evident from the language which they hold in their Notes upon the Discipline, which I have already quoted, and which I need not repeat.

The General Conference in 1784 did enter upon their minutes these words:—"During the life of the Rev. Mr. Wesley, we acknowledge ourselves his sons in the gospel, ready in matters belonging to church government to obey his commands." But they soon saw cause to retract this promise: for, in 1787, Mr. Wesley directed Dr. Coke to call a General Conference, "at a time and place," as Dr. Emory says, "unauthorized by any previous conference," and also appointed Richard Whatcoat "superintendent with Mr. Asbury." This conference took back their promise to "obey Mr. Wesley in matters of church government," and refused to elect Mr. Whatcoat superintendent, and he was not elevated to that office until he was elected by the General Conference of 1800. In relation to the promise of obedience to Mr. Wesley, Mr. Asbury says: "I never approved of that binding minute. I did not think it practical expediency to obey Mr. Wesley, at three thousand miles distant, in all matters relative to church government, neither did brother Whatcoat, nor several others."—*Journals*, vol. ii, p. 270.

In all this the General Conference evidently acted as though they thought their elections to have some virtue in them. They did not exactly believe with Dr. Bascom, that "to *concur* with Wesley, as *petitioners* for the boon, and 'receive' at his hand, was all the American preachers or societies had to do with the matter."—*Review*, p. 131. Nor did they believe themselves guilty of violating a solemn "pledge" and "compact," nor guilty of breaking the constitution to atoms, in rescinding "that binding minute." But according to Dr. Bascom, that "minute" was a public pledge, a solemn engagement, which could not be rescinded by a simple majority without a gross breach of faith—a part of the constitution which no subsequent General Conference had a right to touch.

But all this discussion as to the origin of episcopal power is merely incidental, and really has no bearing whatever upon the question in

debate: for, supposing our southern brethren to be able to prove that Mr. Wesley, and not the General Conference, is the fountain of episcopal jurisdiction; the question is not, whence came our episcopacy? but, to what tribunal is it amenable? Not, whether Mr. Wesley, or the General Conference, or both conjointly, constituted the episcopacy; but, where the power is vested of adjudicating questions in relation to it. Whether, as the ecclesiastical economy of the Methodist Episcopal Church is now constituted, the bishops are independent of the General Conference, or subordinate to it. The constitutionality of the action in the case of Bishop Andrew does not at all depend upon the question of the origin of episcopal power, but upon the constitutional arrangements for episcopal responsibility. So that if it be ever so conclusively proved that we first received our episcopacy entirely from Mr. Wesley, nothing would be gained or lost upon either side.

§ XX.—*Is Episcopal Power communicated in Ordination?*

There are various theories of ordination. The Romanists, and some high-churchmen, consider it a sacrament, and that its virtue depends upon the regular apostolic succession of bishops; and these have power to give the Holy Ghost by the imposition of hands. In this theory the essence and virtue of ordination consist in the imposition of the hands of a bishop of the apostolical succession. The Presbyterian theory is, that the power of orders is with the presbytery or eldership. The Independent or Congregational theory is, that this power is with the congregation.

Mr. Wesley, who, all the early portion of his life, was a high-churchman, by reading Lord King, Stillingfleet, and Baxter, became so modified in his views, as to reject the doctrine of apostolical succession, and to hold the validity of presbyterian ordination; though he still preferred the episcopal form of church government: that is, he thought it much more conveninent to have a class of executive officers, to whom should be confided, by the elders or the chief synod, such offices as could not well be performed by the whole collective body. He accordingly provided for, and recommended, such a form of church government in America.

The simple laying on of hands gives no jurisdiction, or right of government. It is purely a religious ceremony in which the blessing of God is invoked upon the candidate, and he is set apart to the special duties of his office. The terms employed in the New Testament for ordination simply signify *appointment*, and nothing is necessarily implied as to the manner of it. St. Paul speaks of "the gift" being imparted to Timothy by the laying on of his hands,

and of those of the presbytery. But critics have not yet been able to agree as to what this "gift" was, whether the ministerial character or some extraordinary spiritual endowment. There is, consequently, not sufficient evidence in the New Testament that the imposition of clerical hands is absolutely necessary to ministerial character, much less is there any proof that this of itself confers the *right of jurisdiction* over any portion of the church. The bishops, in their Address to the last General Conference, give us a very just view of ordination, which I beg leave to present here. They say:—

"Without entering minutely into the details of what is involved in the superintendency, as it is constituted in our church, it is sufficient for our present design to notice its several departments. 1st. Confirming orders, by ordaining deacons and elders. We say *confirming*, because the orders are *conferred* by another body, which is independent of the episcopal office, both in its organization and action. This confirmation of orders, or ordination, is not by virtue of a distinct and high *order*. For, with our great founder, we are convinced that bishops and presbyters are the same order in the Christian ministry. And this has been the sentiment of the Wesleyan Methodists from the beginning. But it is by virtue of an *office* constituted by the body of presbyters, for the better order of discipline, for the preservation of the unity of the church, and for carrying on the work of God in the most effectual manner. The execution of this office is subject to two important restrictions, which would be very irrelevant to prelacy, or diocesan episcopacy, constituted on the basis of a distinct and superior order. The latter involves *independent action in conferring orders*, by virtue of authority inherent in, and exclusively appertaining to, the episcopacy. But the former is a delegated authority to *confirm orders*, the exercise of which is dependent upon another body. The bishop can ordain neither a deacon nor an elder without the election of the candidate by an Annual Conference: and in case of such election he has no discretional authority; but is under *obligation* to ordain the person elected, whatever may be his own judgment of his qualifications. These are the two restrictions previously alluded to.

"This is certainly a wise and safe provision, and should never be changed or modified so as to authorize the bishops to ordain, without the authority of the ministry. With these facts in view, it is presumed that it will be admitted by all well-informed and candid men, that, so far as the constitution of the ministry is concerned, ours is a '*moderate episcopacy*.'"—*Address, Journal*, pp. 154, 155.

Here it is conceded, that "the orders are *conferred* by another body, which is independent of the episcopal office;" the superintendents only "confirming" them. And this is "by virtue of an *office* constituted by the body of presbyters, for the better order of discipline, for the preservation of the unity of the church, and for

carrying on the work of God in the most effectual manner." It is assumed in the Reply to the Protest, and is not denied by Dr. Bascom, that "the principle applies to bishops, though not expressly named, as well as to elders and deacons." And I presume no one of the bishops who signed this admirable document would hazard his reputation by attempting to except bishops from the principle which they have here presented. There was, indeed, this irregularity in the first instance, that the superintendent was first *confirmed* and then *elected*,—or, perhaps, we might say, the "confirming" of Dr. Coke's "orders" by Mr. Wesley, and the other presbyters who assisted him, is to be considered as in anticipation of his election by the American Conference. I do not say that Mr. Wesley considered the election of the conference as vital to the arrangement; but I say that it was so in fact, and so Mr. Asbury and the conference considered it. And it is equally evident that they acted upon the same principle in constructing the system for the perpetuity of the episcopacy.

But Dr. Bascom, in opposition to all this, maintains that "Methodist episcopacy as an institute, both in view of its *origination* and *perpetuity*, is derived from Wesley, and Wesley alone." And again he says:—

> "The former doctrine was, that in every original sense, episcopacy was derived from Wesley—that ordination by Wesley gave birth to it, and that election by the lay conference of 1784 was not even an incident in its institution, but a mere 'receiving' of what Wesley had provided for his societies in America. The contrary of this is now assumed with imposing boldness, and it is contended that episcopacy is of conventional *conference* origin."—*Review*, p. 157.

Here the point I wish especially to notice is, "that *ordination* by Wesley gave birth to" our episcopacy, and "that election by the lay conference of 1784 was not even an incident in its institution." "We say," say the bishops, "*confirming*, because the orders are *conferred* by another body, which is independent of the episcopal office both in its organization and action." But Dr. Bascom would make the act by which orders are "conferred," "not even an incident" in the transaction, and that by which they are "confirmed" everything.

It may be thought that I wrong Dr. Bascom by applying to orders, under existing circumstances, principles which he only applies to Mr. Wesley's ordination of Dr. Coke. But it will be recollected that he explicitly applies his principles to the "perpetuity" as well as to the "origination" of our episcopacy.

And further, unless his fundamental principle, that the episcopacy is independent of the General Conference, is to be understood as applicable to the system as it now exists—as it is settled in "the constitution"—the whole of his argument, as it is based upon the constitutional rights of the episcopacy, against the action of the late General Conference is nonsensical and absurd. He says:—"We used to think, as a church, that in episcopacy was to be sought the constitutional headship* of the government." P. 158. Well, what if we did? Why then of course the bishops are not "mere creatures of the General Conference," and ergo, the late General Conference had no constitutional right to suspend Bishop Andrew! And what further? Why just as legitimately we would conclude that the episcopacy is *supreme*, in our economy, and the General Conference *subordinate!!!*

But one word as to "the forms of ordination," of which the doctor makes so much. He says they were "always regarded as essential to the very existence of the ministry, and of course the church." P. 68. This, to me, is all new. I never so considered these "forms;" and more than this, I never before heard of a Methodist who did so consider them. In general, I regard them as very appropriate; but I never yet doubted but they might be materially altered, or altogether cast away, and others substituted for them, without annihilating "the ministry" or "the church." I do not go so far with the bishop of New-Jersey, as to believe that these "forms" were constructed by the apostles, and constitute a vital portion of "the faith once delivered to the saints." I say *in general* I consider them *appropriate*. I will make an exception to an expression in "the form of ordaining a bishop." It is this: "Receive the Holy Ghost for the office and work of a bishop," &c. This formulary was originally constructed upon the principle of "episcopal grace," that is, the power vested in the order of bishops by Jesus Christ, to give the Holy Ghost by the imposition of hands, and in the church service the same words are used both in the ordination of bishops and presbyters. We have changed the phraseology in the ordination of elders from, "receive ye the Holy Ghost," to, "the Lord pour

* I will here say that I am too much of a Puritan to admit the southern doctrine of "headship." A speaker in the late General Conference represented "the head of the church" as degraded by the act of the General Conference in the case of Bishop Andrew. I acknowledge no bishop, or board of bishops, as "head of the church." In the highest sense CHRIST *alone* is Head of the church. In the sense in which I suppose the phrase to be used by our southern brethren, for *the fountain of ecclesiastical jurisdiction*, the *General Conference* is the *head* of the M. E. Church.

on thee the Holy Ghost." As *we* mean the same thing, I should much prefer the latter phraseology in both forms, and will venture to express a hope that some future General Conference may make the change.

Dr. Bascom considers "the forms of ordination" "an undoubted part of the constitution," and seems to apprehend great mischief to the interests and purity of the Methodist Episcopal Church, from a suggestion which he had heard, from some quarter, that they might be improved. After the above suggestion the doctor may think me a great radical—an enemy to the constitution, and what not. But I have run the hazard of suggesting a change which, whatever Dr. Bascom may think of it, I think would make the form more consistent with our uniform declarations, and would not come within striking distance of any "constitutional arrangement."

I reject, as wholly inconsistent with our theory of church government, the doctrine that the simple imposition of episcopal hands conveys the right of jurisdiction equally with that which maintains that it makes "an indelible imprint upon the soul;" and I also reject Dr. Bascom's whole doctrine of the constitution as utterly baseless. But I cannot express my surprise to find Dr. Bascom assuming, in the *ex cathedra* manner of a professor in his lecture room, that these absurd novelties constituted "the old doctrine" that "used to be taught"—and that all our learned "fathers," "doctors," and "defenders," have maintained it! Among the numerous scraps which the doctor brings forward to prove all this, not one of them has the least pertinency to the point; and when he shall make some little effort to connect them with his positions, and will tell us where they are to be found, it will be time enough to examine their language and connections, and to show that they separately or together prove nothing at all to his purpose.

§ XXI.—*Reasons for the Action of the General Conference in the Case of Bishop Andrew.*

In addition to what has been said in the course of this investigation, in justification of the action of the late General Conference in the case of Bishop Andrew, I shall now proceed to a brief view of several circumstances which are entitled to special consideration.

1. That the Rev. James O. Andrew was, in 1832, nominated and elected as a non-slaveholding southern man, I have already sufficiently established. This, I believe, must be conceded by the

south, or at least by all who know anything of the transaction. The only question which has been raised is, whether he was properly the southern nominee, that is, whether he was *first* nominated by the south. Of this, I never doubted, and knew not that any one else did, until I saw Dr. Bascom's book. How he makes out his case we have seen. But even Dr. Bascom does not presume that he would have been elected had he been a slaveholder. This cannot be pretended. The bishop himself never dreamed any such thing. What the north insists upon, in view of this fact, is, that due respect for himself and his electors should have induced him to remain free from this impediment, or, as soon as possible, to have resigned his office. We think there was an implied understanding that he should not become a slaveholder while he remained a bishop. Upon what other principle could the majority of the General Conference of 1832 have proceeded? Would they have been so inconsistent as to give their vote for a man (I mean no disrespect) of no other single qualification above what was found in several other southern men, and by no means so well known as they were, with the expectation that he would, at his pleasure, become a slaveholder? Our southern brethren will scarcely assert this. I know the bishop said before the last General Conference: "None dared to ask of me a pledge in this matter."—*Debates*, p. 148. True, none asked of the candidate "a pledge" that he would never become a slaveholder: for asking such a pledge would have been little short of a direct insult, as it would have implied a want of entire confidence in the soundness of his judgment, or the honesty of his heart. His accepting the office under the circumstances was all the pledge that could honorably have been either asked or given. A great statesmen of our own country and time has advanced a noble sentiment upon the subject of pledges given by candidates for office. He says, "The best pledge that can be given is a sound head and an honest heart." This pledge we supposed we had, and this was all we wanted.

Now, under these circumstances had we no reason to complain? The man who had been presented to us as one for whom we might consistently vote, and one who would suit the south, changes his circumstances in relation to *the only point of his qualifications* which procured our votes, and made him a bishop. The bishop in his speech makes allusion to an interview with the late Rev. S. K. Hodges, which shows the views even of southern men at the time: "My friend urged me; he said my election would, he believed, tend to promote the peace of the church, and that he believed it would be especially important to the prosperity of Methodism at

the south."—*Debates*, p. 148. So "the peace of the church" was urged by the candidate's "friend" as a reason why he should consent to the nomination. What did that mean? All who understand the history of that General Conference, understand the sense of that phrase well. It was wisely concluded by leading southern men that a slaveholder could not be, and *ought not to be*, elected to the office. And if they should defer to the party who preferred a slaveholding candidate, and by that means there should be no southern man elected, it would be an occasion of heartburning between the north and south. James O. Andrew then knew very well what his friend Hodges meant. There was no "secret will," as the bishop calls it, in the case; it was all well understood. "Brother Winans" understood it; and hence he told the candidate, with his usual candor and independence, that he "could not vote for him, because he believed he was nominated under the impression that he was not a slaveholder."—*Ibid.* We of the north would have been much better pleased, if the bishop's explanations had been characterized by a little more ingenuousness. His account of his nomination and election is too much molded by partisan views and feelings. Had he felt himself the bishop of the north as well as of the south, he could have given a more fair and correct statement of the matter.

In view of the whole case, the north felt themselves wounded and betrayed; and when they saw the man standing before them, treating them to a dish of quibbles and cant phrases, and in various ways attempting to avoid the true issue which they made upon the principles of his election, their confidence was shaken and their sympathies for him, in his unpleasant circumstances, very much abated. They were, indeed, illy prepared to expect all this from one who had been twelve years a bishop, and had formed some little acquaintance with our northern territory and with northern men. They had a right to suppose that he had merged his local feelings in the common weal of the church, and that he would occupy the attitude of *a bishop of the whole connection.* I say distinctly, that the positions Bishop Andrew took in his vindication astonished and mortified us. We were astounded at the intelligence that he had become a slaveholder; and were about equally shocked to hear him maintain that the circumstances of his election imposed upon him no obligations to keep himself free from slavery. And his taunting us with the notion of a "secret will," in a matter which we supposed everybody, north and south, well understood, we thought manifested too little respect for our views and feelings. But I will dwell no longer upon this unplea-

sant point in the discussion. I have, in all frankness, and, I trust, in all kindness, presented my views, and must now leave others to judge how far they are entitled to consideration.

2. Again: slaveholding in the episcopacy would bring the church into a new relation to the subject of slavery, and devolve upon her new and unnecessary responsibilities touching the evil. For admitting of slaveholding among traveling preachers, under certain circumstances, there are reasons which, with most persons, have great weight; but for admitting it in the episcopacy, when our bishops need not be controlled by such circumstances, there can be no reason but a disposition to give countenance and respectability to the system: and for the General Conference to give this gratuitous sanction to the system would certainly be departing widely from the course of policy which had been settled from the beginning. This course of action would be in evident contrast with the spirit of the Discipline. Instead of appearing still to be pursuing measures "for the extirpation of the evil of slavery," it would appear that we were taking measures to shield it from public odium, and to render it perpetual.

It will not be questioned but slaveholding, in the episcopacy, would be giving strong countenance to the system. Indeed, but for this fact, it may fairly be doubted whether we should have had the least difficulty with our southern brethren upon the subject. If it had not been supposed that slaveholding bishops would give influence and respectability to the system of slaveholding, what southern man would have cared a straw about it? In the General Conference of 1836, Dr. Winans urged that, in order to the full protection of Methodism at the south, and to give it influence and efficiency, we ought not only to have deacons, elders, and presiding elders, but bishops, who hold slaves. This was the first open declaration I ever heard of this sort, in a General Conference, from any quarter; and it seemed to indicate that the strong action the General Conference had taken, or was about to take, against *abolitionism* was likely to be followed up, by the south, with an effort to secure an advance position for "the southern institution." The same indications were perceptible in the movements of several southern men in the General Conference of 1840. But these gentlemen were wholly mistaken in supposing that northern conservatives, after giving a check to the madness of ultra-abolitionism, were prepared to encourage pro-slavery principles or movements. Their object and purpose had been to maintain the position of what our southern brethren call "the compromise law;" and, by neither swerving to the right hand nor the left, to secure the peace

of the church upon ancient Methodistic principles. If they disliked abolitionism, it was not because they loved slavery; and if they opposed the movements of the abolitionists, as injurious to the interests of the slaves themselves, and subversive of the ends they had in view, they were none the more willing to sanction the principle of slavery by electing slaveholding bishops. It seemed to sting and mortify our southern brethren that, after they had obtained strong action in the General Conference against the measures of the abolitionists, they could not press from that body one drop of consolation for the poor, *abused* slaveholders of the south.

In 1836 the south really united in an effort to elect a slaveholding bishop: but after all the strength they could muster was concentrated upon Dr. Capers, his election failed. And mark the result. A meeting of the southern and south-western delegates was notified publicly in the conference; and there, I was informed, by a person who was present, W. A. Smith, and, I believe, some others, advocated a *separation from the north*, upon the ground that, in the elections, the south had been *proscribed*. They wanted a slaveholder elected, that the whole slaveholding south might see that slavery had the high sanction of the General Conference, and so incensed were some at their want of success, that they even proposed to dissolve the union of the church at once.

In 1840, it is highly probable, another bishop would have been elected, but for the extreme sensitiveness of the south upon the subject. They would not agree in recommending a southern man who did not own slaves. Indeed, it was evident that if a new bishop were elected, the south would strain every nerve to procure the election of a slaveholder, and, in the case of failure, another paroxysm would supervene, which might be productive of far more mischievous consequences than those which had attended the former failure. Under these circumstances, a majority of the General Conference determined to elect no bishop, though the bishops had asked for an increase, and the committee on the episcopacy had reported in favor of the measure.

My object in adverting to these facts is, to show the anxiety of the south to secure a slaveholding bishop, and to show that the reason for this anxiety was, that they might cover slavery with the episcopal example, and with the sanction of the General Conference. This, I maintain, would be the effect of admitting slaveholding in the episcopacy, in any form. And, as any act, which would extend the sanction of the bishops, the General Conference, and, in a manner, the whole church—north as well as south—to slavery, would place that subject in new relations to the church,

and involve the whole body in the fearful responsibility of cherishing and sustaining the institution, such an act, in all cases, would be rightfully opposed by northern men, and all others, who would keep the slave principle from further encroachments.

And these considerations are of no less force in relation to the course of action to be pursued with a bishop who might involve himself in the evil of slavery, than in relation to the course to be pursued in the election of a bishop; for, let it be observed, we maintain that the bishops are officers of the General Conference, who "have power to expel (and, consequently, to depose) them for improper conduct, if they see it necessary." The General Conference have "full powers" to *regulate* the episcopacy, and to correct the errors of the bishops. If, then, that body should continue a bishop in office, who should connect himself with slavery, would it not voluntarily sanction the evil, just as directly as it would to elect a slaveholder to this office? So it seems to me.

And is this a time for the church to recede from the old anti-slavery ground which she has occupied from the beginning? Is it a time for the church to foster slavery, and give it her sanction? Is slavery any better now than it used to be? or is the church convinced that in her opposition to it she was wrong? Dr. Bascom himself declares that the enslavement of "the *negro family*—was an outrage, felt and admitted by all."—*Review*, p. 42. And the Discipline still asks, "What shall be done for the extirpation of the evil of slavery?" Shall we say, in reply, We will permit "the evil" to spread itself over the whole church, north as well as south? Shall we say, We will have bishops who own slaves to preside in our northern conferences, and to fix our appointments? Shall the General Conference volunteer the sanction of the whole church to the system? Shall a course be taken which would leave all our bishops at perfect liberty to remove south, and become owners of slaves? No, no! When we do all this, let us blot from the Discipline the tenth section, and substitute for it a recognition and approval of "slavery, as it exists in the southern states," and let us reprove Dr. Bascom for his severe and unwarrantable sentence of condemnation upon the principle.

3. Another reason why the late General Conference could not suffer the case of Bishop Andrew to pass, and thus make a new and broad concession to slavery, is, the state of public sentiment north, in relation to the institution of slavery; and particularly the strong and increasing opposition to slaveholding bishops in the Methodist Episcopal Church, through the northern, eastern, and western states.

Bishop Andrew, in his speech, says :—

"I did not, for a moment, believe that this body of grave and reverend ministers would make this a matter of serious discussion."—*Debates*, p. 149.

Here we were again astonished and mortified. That a bishop of the Methodist Episcopal Church, of twelve years' standing, should not have informed himself of the state of sentiment and feeling through the greatest portion of the conferences over which he was appointed to preside, was strange to all northern men. This was an unexpected annunciation, considering especially the facts which I have already noticed in relation to slaveholding bishops, which were developed during the session of the three preceding General Conferences, and that they must have been known by the bishop. Could not the bishop have gathered from the history of the movements of the General Conferences referred to, even if he had never been at the north at all, that, in the character of a slaveholder, he had reason to look for opposition from others besides "some warm ultra brethren?" In this the bishop seems to have been sadly misled.

I would not plead public sentiment in justification of unjust, oppressive, or illegal action in any case ; but here is a case which is, as we of the north think, fairly and clearly left within the range of the discretionary powers of the General Conference. In such a case, the views and feelings of the masses who are to be affected ought to be consulted. And if the sentiments of northern Methodists should weigh at all in such a case, the majority had reasons for adhering to their position which northern men only could understand and appreciate. The great body of Methodists at the north are true to the interests of the church, and could scarcely become disaffected except by some evidence of a want of fidelity to the trust committed to them upon the part of the ministry. So long as we stand to our conservative position the people will stand by us; but were we to swerve from it, and give countenance to slavery, they would be scattered abroad. It was my deliberate opinion, at the time of the great contest in the late General Conference, and it is still my opinion, that, had the General Conference not acted at all, or had they done less than they did, the great majority of the eastern, northern, and western conferences would have been ruined. The portions of the north with which I am more particularly acquainted have not been the most agitated by the abolition excitement of the last eight or ten years ; and yet I was fully advised, from day to day, during the pendency of the ques-

tion in relation to Bishop Andrew, that the deepest anxiety prevailed among all classes. The question was often and anxiously asked, Will our delegates stand by the interests of the church, or will they finally succumb to the south? The solicitude was by no means confined to the abolition petitioners, though these were neither few in number nor destitute of respectability. It was not so much the personal inconvenience that Bishop Andrew would occasion the north by continuing to exercise his episcopal functions, as it was *the concession to slavery* that the new order of things implied. This was the great difficulty in the case. This was my principal difficulty, and this was the principal difficulty with the great mass of Methodists—preachers and people—at the north. Such a concession on the part of the General Conference of 1844 would have degraded Methodism in the estimation of all classes in the north, and would have been the death-knell of our prosperity from Maine to Iowa. For this we were not prepared. In our opinion, then and now, the least of the two great evils which were before us was the one which has occurred; and however much we dreaded this, we were bound by the maxims of common prudence to fall upon it rather than upon one which would be still more dreadful.

Dr. Bascom strongly intimates that we have many good people at the north who are in sentiment and feeling opposed to the action of the late General Conference; and it must be admitted there are some of this class. I occasionally hear of one who either in his business, or other interests, is connected with the south, who has strong sympathies with the southern church in this controversy. Such individuals may represent, and may honestly think, that there are *many* of their way of thinking; but they are very much mistaken in their estimates. Indeed, if all the northern Methodists of southern principles should remove at once to the south the strength of the M. E. Church would not be perceptibly diminished, and that of the M. E. Church, South, would be very little increased. I mean no disrespect in these remarks, as I intend no allusion to the personal respectability of these brethren. I simply design to convey the impression which rests upon my own mind, that they are comparatively a very small number.

Upon the points at issue between the north and south, public sentiment is fully formed at the north, and there are very few counter currents. The extravagant claims of the slave influence in the last three General Conferences, the unyielding obstinacy with which the minority in the late General Conference pressed their advantage—refusing to suffer Bishop Andrew to resign—and

the extravagant representations, not to say the downright *misrepresentations*, which were made in the debates and published to the world, of the course of action and sentiments of the north, made an impression at the north—deep and strong—that the minority had deliberately determined either, by some means, to *rule the majority* or to sacrifice the unity of the church. And had we submitted to the encroachments of the slave principle—had we been worried into compliance with the exorbitant demands of the minority—how could we have met our constituents? What could we have said for ourselves? What would have become of the people? Mortified, broken-spirited, ashamed of us and of the M. E. Church, which we should have degraded, they would have left us in multitudes—some joining the seceders, but far more the various evangelical denominations.

4. Again: the civilized world has signed and sealed the doom of slavery. It is a remnant of barbarism which cannot bear the light of the nineteenth century. And is this any time for the M. E. Church to give it her sanction? Is it any time for a church which perseveres in her testimony against it, both in her moral code and in her statutory enactments, to give it her approval by tolerating it in her highest executive officers? Is it any time to make a decidedly retrograde movement in relation to an evil that the Christian world are united to destroy? If the General Conference of 1844 had lent the sanction of the M. E. Church to "the evil of slavery," in what light would that body have stood before the world? As things have gone with us for several years, we have been in no little difficulty to keep in countenance with our British brethren. We have not always heeded their remonstrances with due respect, because we could not do so without giving offense to the south. And if we had assumed new ground altogether upon the subject—for the first time in our history had suffered "the evil" to hold a position in our episcopacy, and so have thrown over it the mantle of the church—could the Wesleyan Connection of Great Britain have acknowledged us any longer as a legitimate branch of the great Wesleyan family? All this we could brook if it were a matter of necessity, or should it befall us in the way of duty. But to put ourselves in the wrong—gratuitously to adopt and cherish a monstrous evil, and then to meet the censure of the Wesleyan Connection in England, and even to brave the moral sentiment of the world, would be no light matter. We might endure any amount of persecution "for righteousness' sake," but to be "buffeted for our faults" is not so comfortable.

In all this reasoning it will be perceived that I proceed upon the

ground that I have endeavored to settle by evidence, that admitting of slaveholding in the episcopacy would be removing a portion of the odium from the institution of slavery, and fixing it upon the church. As there is nothing in the nature of the episcopal office that requires it—as non-slaveholding has always confessedly been no disqualification for the office in any portion of the work, and slaveholding is an acknowledged disqualification throughout the largest portion of it—it would seem to be a gratuitous assumption of the responsibilities of slaveholding upon the part of the church, if our bishops were to be tolerated in holding slaves.

5. Finally: the character of our episcopacy, as a general itinerant superintendency, forbids its connection with slavery. A bishop in the M. E. Church is a *general* superintendent, having the same power and the same responsibilities north that he has south. When Bishop Andrew was elected, he was elected a bishop of the whole connection in these United States, and not bishop of Georgia or of the southern states. Slavery is a local institution, and an institution against which there are strong prejudices throughout the non-slaveholding states. The general conviction at the north is, that slavery is founded in gross injustice, and perpetuated through the agency of the worst feelings of the human heart. And though individuals may be innocently connected with the institution, yet these are the exceptions and not the rule. Under such circumstances, what sane mind could ever suppose that a slaveholding bishop could exercise the duties of his office at the north? Dr. Capers might well "doubt the *heart* of the man who would go to the north as a bishop holding slaves." No owner of slaves would attempt it who had the slightest regard for the peace of the church, or the least respect for himself. The connection of the episcopacy with slavery would then have the effect to keep the slaveholding bishops at the south, and this would break in upon the plan of our "itinerant general superintendency." I know it is said, in answer to this, that our bishops do not now all go over the whole work, and have not done so for some years. It is true, that Bishop Hedding has not recently made the southern tour, and that Bishop Andrew has never gone over the northern tour. The reasons which have interrupted the interchange, as I suppose, have been Bishop Hedding's infirmities, and, in part at least, Bishop Andrew's family afflictions. Whatever has been the cause of this partial location of these bishops, I have no doubt but, so far as Bishop Andrew is concerned, the effect has been disastrous: for had he performed the northern tour but once or twice, he would have known us much better, and never would have miscalculated

so sadly as he evidently did, according to his explanatory speech in the late General Conference. If he had known the north, he never would have come to the General Conference of 1844 a slaveholder, without his valedictory address in his hand. These are my convictions upon the subject, though I am not infallible, and of course may be mistaken. But to return: such mere interruptions of the episcopal plan of visitation as have occurred, doubtless for good and sufficient reasons, are very different from an *obstacle* which would render a *general* superintendency practically impossible, without great danger to the peace and prosperity of the church. Such an obstacle is slaveholding in the episcopacy.

Of this, I believe, our leading southern men in the late General Conference were fully convinced; and hence the various propositions which were agitated for such a division of episcopal labor as to confine Bishop Andrew to the south. To a superficial observer of the practical workings of our system the arrangement might seem perfectly admissible, and to have promised a relief of the difficulty. But, besides that it would be an infringement upon the provisions of the constitution, which secures "the plan of our itinerant *general* superintendency," it would fix the local attachments and prejudices of our bishops; and probably be the means of originating party views and feelings among them, which would peril the unity of the church.

We see in part the workings of such a system in the case of Bishop Andrew. He was considered by the southern delegates as *their* bishop, and they were considered *his* friends. They were *his advisers*, and he was *their humble servant*. But a venerable committee of northern men, made up of the most aged and respectable of our fathers, could not have access to the bishop upon the principles of brotherly comity: they were treated as strangers, and almost as spies!

Bishop Asbury used often to remark, "Local men will have local views." And as "local views" are not in any case admissible in a bishop, he should not be *a local man*. His views and feelings, and consequently his associations, interests, and habits of intercourse, should be of a most enlarged and expansive character. He should be the man of no particular conference, or class of conferences; but the servant of the whole church, for Jesus' sake. Nothing could so fatally injure our itinerant system as a local, or diocesan, superintendency. When this takes place, (which may Heaven avert!) the itinerant spirit can never be kept alive in the ministry; and when the itinerant spirit departs from the Methodist ministry, the days of our prosperity will be numbered.

Concluding Remarks.

It would have been easy to extend this investigation to a much greater length. My object is not to say all that might be said, nor to notice all there is in the work under examination which I deem really objectionable. This would enlarge the present work so much as greatly to impede, if not wholly to thwart, the purposes of its publication. My design is to present a condensed review of the argument upon the leading points in controversy; and I have not intentionally passed over anything which I conceive of material importance. Of one thing I am certain, and that is, if I have succeeded in refuting the positions of my opponent so far as I have formally attempted to do so, there is nothing left in his book of any weight in the controversy.

Of the doctor's mode of proceeding with his authorities I have already complained. I might with equal justice find some fault with him for his want of method and arrangement. It has occasioned me no little trouble to seize and retain his different positions; or, after I had received a fair impression from them, to find them again. The difficulty which I have experienced from this source has convinced me that I should have saved much time, and avoided no little vexation, by writing out a complete index of the work. Dr. Bascom writes a book which contains a diversity of topics just as he would write a letter to a friend, without chapters, sections, or heads of discourse. I make not these statements as a mere critic, for I do not act in this examination in that character: I say nothing of the grammar or rhetoric of the performance: I make these remarks merely as an apology for myself, if it shall appear that I have omitted any material argument or explanation of my much-respected opponent. I have done the best I could, with the time I have had at command, toward analyzing the great mass of materials which I found in the book, in rather too much of a chaos for my taste, or for convenience in the examination. If I have failed to dissect the body, the failure must be attributed to my want of anatomical skill to find the location of the joints. Dr. Bascom's work has been exceedingly extolled by southern editors, and has already received at their hands an enrollment among the greatest efforts in modern times. It is thought by them, as an exposition of ecclesiastical and constitutional law, and as a specimen of controversial writing, to be certain of immortality. I say not a word against this judgment, but leave it for the wisdom of future generations either to confirm or annul.

It will be perceived that I do not formally meet what the doctor has brought forward upon the abstract question of slavery: nor do I notice his comparative view of the condition of the colored people in the slaveholding and the non-slaveholding states, though I have strong doubts of many of his deductions. The doctor might, perhaps, raise a question whether I would not be better fed, and live longer, had I a good southern master. A multitude of statistics, and a world of philosophy, might be brought to bear upon the question; but no argument could convince me that slavery is better than liberty, or that any one has a right to my services without my consent. A few days since, I fell into conversation with a colored man from Washington. I asked him if he had ever been a slave. He said, No, his father and mother were free. I asked if the slaves in Washington were not better off, *and more contented and happy,* than the free people of color. "Ah," said he, "a wolf had much rather run at large in the woods, and half starve, than to be tied up by the neck, and have plenty to eat." "Well," said I, "many of the slaves love their masters, and would not leave them if they could." "O yes," said he, "but then *good masters do not live for ever;* and when they die, the servants do not know whose hands they will fall into." This is precisely the reasoning of the mass of colored people at the south. I do not concede to Dr. Bascom the truth of his comparative view, and shall not until he gives some authentic data to justify his calculations. But if all his facts were established, they would not prove that southern slavery is right.

Dr. Bascom joins issue with the abolitionists upon the language of the Bible touching the treatment of the subject of slavery. I leave this question unnoticed, as the great points in debate between pro-slavery men and ultra-abolitionists have nothing to do with the pending controversy. I suppose that it is well understood, that upon the question of slavery and abolition I have always stood upon conservative ground. I stand there still. I have not changed my views in the least for eight years past upon any of the points in controversy between the north and south.

As the south have, by the convention constituted by the southern Annual Conferences, declared themselves separated from the jurisdiction of the General Conference of the Methodist Episcopal Church, the great object now is to settle the boundaries, and adjust the relations of the two connections. I wish for an amicable settlement of all matters of difference; and as far as my influence goes shall favor the division of the property according to the conciliatory plan of the late General Conference, unless new circumstances

shall arise to effect a change in my views. I know hot words have passed between the parties, and wrongs have been done; but nothing, so far as I see, has been done which should cut off the south from their claims upon the funds; and I believe the north will never think of anything else than a final adjustment of the property question upon the basis agreed upon at the last General Conference.

I am aware that there are things in this pamphlet that many southern men will not like; but I beg leave to assure them that I have introduced them merely because I thought justice to the argument required it. I have said nothing with a view to the infliction of pain. A perfectly tame performance upon such an occasion would be worse than nothing. The matters in question are important; and a tone of earnestness is as necessary to write effectively, as a spirit of kindness and forbearance is for peace and conciliation. May the great Head of the church heal our divisions, and overrule our mistakes and errors, for the glory of his name, and the best good of the universal church and the world!

APPENDIX.

A.—THE REPLY TO THE PROTEST.

THE committee appointed to prepare a statement of the facts in the case of Bishop Andrew, and to examine the Protest of the minority, regret that the circumstances under which they have been compelled to act have prevented their preparing so complete a report as the importance of the subject demands. The Protest was not placed under their command until Friday afternoon, and immediately afterward two of the original committee had to withdraw, one of them being ill, and the other having been elected bishop—nor were their places supplied until Saturday evening. It is under these disadvantages, and amid the pressure of important conference business, that they have been required to prepare a document in relation to some of the most important questions that have ever engaged the attention of the church. It is believed, however, that the following statement of *law* and *facts* will be a sufficient notice of the Protest which has been referred to them.

As the proceedings of the General Conference in the case of Bishop Andrew were not judicial, its decision has gone forth to the public unaccompanied by the reasons and facts upon which this action was founded. This deficiency is but partially supplied by the published reports of the debate on the subject. The speakers who advocated the resolution were restrained by a praiseworthy delicacy from all avoidable allusions which might give pain to the respected individual concerned, or awaken unpleasant emotions in any quarter. It is but natural that under these circumstances some misunderstanding should prevail as to the merits of the case. The following statement, it is believed, contains nothing, at least so far as facts are concerned, which will not be cheerfully confirmed by all parties, and will throw light upon the true position of the authors of the Protest.

From the first institution of the episcopacy of the M. E. Church no slaveholder has been elected to that dignity, though in several instances candidates otherwise eminently fitted for the station have failed of success solely on accout of this impediment. Since the period referred to, nine bishops have been elected, who were natives of the United States. Of these only three have been northern men, while six were natives of slaveholding states. Not one, however, was a slaveholder—a remarkable fact, which shows very clearly, that while much more than their just claim has been conceded to the slaveholding portions of the church, a decided and uniform repugnance has, from the first, been felt and manifested to the occupancy of that high office by a slaveholder.

It is known and acknowledged by all southern brethren that Bishop Andrew was nominated by the delegates from the South Carolina and Georgia Conferences, as a southern candidate for whom northern men might vote without doing violence to their principles, as he was no

slaveholder: Bishop Andrew himself perfectly understood the ground of his election. Since the year 1832 the anti-slavery sentiment in the church, as well as in the whole civilized world, has constantly and rapidly gained ground, and within the last year or two it has been roused to a special and most earnest opposition to the introduction of a slaveholder into the episcopal office—an event which many were led to fear by certain intimations, published in the Southern Christian Advocate, the Richmond Christian Advocate, and perhaps some other Methodist periodicals. This opposition produced the profoundest anxiety through most of the non-slaveholding conferences. The subject was discussed everywhere, and the dreaded event universally deprecated as the most fearful calamity that ever threatened the church. Many conferences instructed their delegates to use all possible means to avert such an evil. Other conferences, and many thousand laymen, sent up petitions and memorials to the same effect to the present General Conference. Such was the state of sentiment and of apprehension in the northern portion of the church, when the delegates to the General Conference learned, on reaching this city, that Bishop Andrew had become a slaveholder. The profound grief, the utter dismay, which was produced by this astounding intelligence can be fully appreciated only by those who have participated in the distressing scenes which have since been enacted in the General Conference.

When the first emotions of surprise and sorrow had so far subsided as to allow of sober thought and inquiry, it was ascertained that Bishop Andrew had been a slaveholder for several years. Soon after his election to the episcopacy, a lady of Augusta bequeathed him a female slave, on condition that she should be sent to Liberia at nineteen years of age, if her consent to emigrate could be obtained—otherwise she was to be made as free as the laws of Georgia would permit. She refused to emigrate, has since married, and is now enjoying all the privileges provided for in the will of her former mistress:—she is, and must be, a slave—she and her children—and liable to all that may befall slaves. Another slave Bishop Andrew has inherited from the mother of his former wife, and by his recent marriage he has become the owner of (it was said on the floor of the General Conference) fourteen or fifteen more. These belonged to Mrs. Andrew in her own right before her marriage. That act, according to the laws of Georgia, made them the property of Bishop Andrew, to keep or dispose of as he pleased. He conveyed them to a trustee, for the joint use of himself and wife, of whom the survivor is to be the sole owner. This conveyance was made for the security of Mrs. Andrew, and with no view either to satisfy or to mislead the opinions of the northern church. So much, at least, Bishop Andrew was understood to say to the conference. His known integrity forbids the suspicion that he would attempt to disguise the real character of the transaction; and the fact that the earnings of the slaves, as well as the reversionary title to them, are his, demonstrates that this arrangement was not made with any view to satisfy the well-known sentiments of the church against a slaveholding bishop. It is manifest from this statement, which is believed to be strictly correct, that Bishop Andrew's connection with slavery is—not

as the Protest intimates, merely an "assumption," but that he is the owner of slaves, in the full and proper sense of that term. His title was acquired by bequest, by inheritance, and by marriage, which are by far the most common grounds of ownership in slaves. All the usual and necessary conditions of slavery have their fulfillment in the relation of these person to Bishop Andrew. Their labor and their earnings are subject to his control, and inure to his benefit and that of his family. They are now liable, or they may be hereafter, to be sold; they and their offspring are doomed, as the case now stands, to a bondage that is perpetual, and they are liable and likely to descend to his heirs. Beyond all reasonable doubt, the condition of Bishop Andrew's slaves will be attended, while he lives, with all the alleviations—and these are many and great—which a very benevolent and Christian master can provide. Still it must be slavery. In the view of the law of the land, and of the law of the Discipline, in all its more weighty and permanent consequences to the bondman, it is and must be slavery. It was said repeatedly on the floor of the conference, that the deed of trust had put it quite beyond Bishop Andrew's power to free his slaves, even if there were no other obstacle. So then, should the stringent laws of Georgia against emancipation be relaxed or repealed by her next legislature, the rule of the Discipline, which would then become imperative on Bishop Andrew, could not, and would not, be satisfied, and the church must still have a slaveholding bishop, in spite, not only of its known will, but of its standing laws.

It was the almost unanimous opinion of the delegates from the non-slaveholding conferences that Bishop Andrew could not continue to exercise his episcopal functions under existing circumstances, without producing results extensively disastrous to the church in the north; and from this opinion the brethren of the south did not dissent. For a while the hope was entertained that the difficulty would be quietly removed by his resigning his office, which it was known he had previously desired to do. But this hope was dissipated by the intelligence that the delegates from the conferences in the slaveholding states had been convened, and that they had unanimously advised him not to resign. Various efforts were then made in private to devise some method to relieve the case, but they all proved abortive, and nothing remained but that it must come before the General Conference. The bishops themselves, in their united Address to the conference, had urged it to ascertain whether there had been any departure from the essential principles "of the general itinerant superintendency," and had declared of that superintendency that "the plan of its operation is *general, embracing the whole work in connectional order, and not diocesan, or sectional.* Consequently any division of the work into districts, or otherwise, so as to create a particular charge, with any other view, or in any order, than as a prudential measure to secure to all the conferences the annual visits of the superintendents, would be an innovation on the system:"—that "*our superintendency must be itinerant, and not local:*"—that "it was wisely provided in the system of Methodism, from its very foundation, that it should be the duty of the superintendents '*to travel through the connection at large.*'" The question then

presented itself, how the case of Bishop Andrew could be so disposed of as to preserve this itinerant general superintendency? If the General Conference had even been disposed to evade it, the consideration of it was forced upon them by the episcopal Address itself.

A diversity of sentiment existed as to the proper method of treating the case.

Some, at least, believed—perhaps few—doubted that sufficient ground existed for impeachment on a charge of "improper conduct" under the express provisions of the Discipline. The opinion was certainly entertained in several quarters that it was "improper" for the shepherd and bishop of eleven hundred thousand souls either deliberately or heedlessly to place himself in direct and irreconcilable conflict with the known and cherished moral sentiments of a large majority of his vast flock. Such, however, was the prevalence of moderate counsels, that no proposal was made either to impeach or punish, and such the controlling influence of forbearance and kindness, that it is believed not one word was uttered during the entire debate of nearly a fortnight derogatory to the character, or justly offensive to the feelings, of Bishop Andrew. The transaction which had brought such distress upon the church, and threatened such extensive ruin, was dealt with merely as a fact—as a practical difficulty—for the removal or palliation of which it was the duty of the General Conference to provide. It was in this spirit, and for such ends, that the following preamble and resolution were passed:—

"Whereas, the Discipline of our church forbids the doing anything calculated to destroy our itinerant general superintendency, and whereas Bishop Andrew has become connected with slavery by marriage and otherwise, and this act having drawn after it circumstances which in the estimation of the General Conference will greatly embarrass the exercise of his office as an itinerant general superintendent, if not in some places entirely prevent it; therefore,

"Resolved, That it is the sense of this General Conference that he desist from the exercise of this office so long as this impediment remains.

J. B. Finley,
J. M. Trimble."

The action of the General Conference was neither judicial nor punitive. It neither achieves nor intends a deposition, nor so much as a legal suspension. Bishop Andrew is still a bishop; and should he, against the expressed sense of the General Conference, proceed in the discharge of his functions, his official acts would be valid.

Such are the facts in the case of Bishop Andrew. We now proceed to notice the law. Nearly all the objections raised in the Protest against the action of the General Conference may be reduced to two, viz., that that body has violated the *constitutional* and the *statutory* law of the church. That it has violated the constitutional law the Protest attempts to prove by representing its late action as a breach of what it calls "the compromise law of the church on the subject of slavery;" meaning, as is supposed, the section on slavery, particularly that paragraph which relates to traveling preachers. The entire language on

this subject is evidently formed so as to make the impression on any reader not intimately acquainted with the history and Discipline of the Methodist Episcopal Church, that there has been some period (whether 1804 or 1816 does not clearly appear from the Protest) when the question of slavery was settled in the Methodist Episcopal Church as it was in the general government at the adoption of the federal constitution,—that "the confederating Annual Conferences," "after a vexed and protracted negotiation," met in convention, and the section on slavery "was finally agreed to by the parties after a long and fearful struggle," as "a compact," "a treaty," which cannot be altered by the General Conference until certain constitutional restrictions are removed. So that now any interference on the part of that body with the question of slavery in the southern conferences is as unconstitutional as it is admitted would be the interference of the general government with the question in the southern states.

After the boldness with which this doctrine is advanced, and the confidence with which it is relied upon as "the first and principal ground occupied by the minority in this Protest," it will be difficult for the uninitiated to believe, that it is as unfounded in fact as it is ingenious in its "legal casuistry." It is indeed true, that the question of slavery had been long and anxiously agitated in the church, and the various General Conferences had endeavored to adjust the matter so as to promote the greatest good of all parties; but this very fact goes to disprove the position assumed in the Protest: for as the attention of the church had been thus strongly called to the subject, if it had been the intention to guard the question of slavery by constitutional provisions, it would have been done when the church actually did meet to frame a constitution. But nothing of the kind appears. For when, in 1808, it was resolved that the General Conference instead of consisting, as before, of all the traveling elders, should be a delegated body, and when it was determined that that body (unlike the general government, which has no powers but such as are expressly conferred) should have all powers but such as are expressly taken away,—when this vast authority was about to be given to the General Conference, among "the limitations and restrictions" imposed, *there is not one word on the subject of slavery; nor was any attempt made to introduce any such restriction.* The only provision anywhere established by that General Conference of constitutional force, was the general rule forbidding the buying and selling of human beings with an intention to enslave them. So that, in direct opposition to the assertion of the Protest, we maintain that the section on slavery is "a mere legislative enactment, a simple decree of a General Conference," as much under its control as any other portion of the Discipline not covered by the restrictive rules. If additional proof of the truth of this position were needed it might be adduced in the fact that that section which the Protest represents to have been settled in 1804, was not only altered at the General Conference or convention of 1808, but also at the delegated General Conferences of 1812, 1816, 1820, and 1824. And although the Protest speaks of it as "*usually known*" by the name of "the compromise act," the greater part of this General Conference have never heard either

that appellation or that character ascribed to it until the present occasion.

But although this General Conference cannot admit that any portion of the section on slavery is constitutional in its character, and therefore could not under any circumstances allow the imputation of the Protest that they have violated the constitution of the church, yet they do admit that it is *law*—law too which the General Conference (though possessing full powers in the premises) has never altered except at the above periods, and then, in each instance, for the further indulgence of the south. The question then comes up, whether this General Conference, as the Protest maintains, has in effect suddenly reversed the legislation of the church, not indeed by altering the law, but by practically disregarding it. The portion of the law particularly in question is the following paragraph:—

"When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformably to the laws of the state in which he lives."

This it is alledged fully covers the case of Bishop Andrew, and therefore he ought to have been left in the quiet and unquestioned enjoyment of his rights. Were it even true, that proceedings, either judicial or "extra-judicial," have been had in his case, we should not hesitate to join issue here, and maintain that this law does not protect him. The Protest asks, "Is there anything in the law or its reasons creating an exception in the instance of bishops?" We answer, There is in both. So far as judicial proceedings are concerned, the Discipline divides the church into four classes, private members, local preachers, traveling preachers, and bishops; and establishes distinct tribunals and different degrees of responsibility for each. The section on slavery applies only to officers of the church, and therefore private members are not named at all, but special provision is made in the case of local and traveling preachers. How happens it that bishops are not named at all? Are they necessarily included in the title "traveling preachers?" In common parlance they may sometimes be thus designated; but in the Discipline it is not so understood, even in regard to matters much less important than this, in evidence of which we need only advert to the fact, that the General Conference of 1836 did not consider that the allowance of bishops was provided for under the general title of "traveling preachers," and they therefore inserted them accordingly. To explain why no mention is made of "bishops," it is not necessary, as the Protest supposes, "to slander the virtuous dead of the north," as if they excluded them intentionally "by a resort to deceptive and dishonorable means." It is a much more natural and reasonable explanation, that at that day, when the church could hardly tolerate slavery in any class of the ministry, "the virtuous dead" both of the north and of the south did not dream that it would ever find its way into the episcopacy.

But though the *language* of the law does not include bishops, yet if the "reason" and spirit of it did, we might be disposed to allow them the benefit of it. But this is not the case. The whole tenor of the

Discipline of the Methodist Episcopal Church is adverse to slavery. Even the Protest has admitted (irreconcilable as the admission is with another portion of the same instrument) that, at the time of the alledged "compact," "the whole church, by common consent, united in proper effort for the *mitigation and final removal* of the evil of slavery." But let the Discipline speak for itself. The mildest form in which the question at the head of the section on slavery has ever been expressed, is the present, namely, "What shall be done for the *extirpation* of the evil of slavery?" And the very conference of 1804, which enacted the so called "compromise law," as well as that of 1800, when the paragraph relating to traveling preachers was really adopted, were each convened under a request from the preceding General Conference, that the whole church would aid that body in obtaining "full light in order to take further steps toward the *eradicating this enormous evil* from that part of the church of God to which they are united." It is obvious, therefore, that connection with slavery is tolerated no further than seems necessary. In the case of ordinary traveling preachers there appeared to be a necessity for some indulgence. They might become owners of slaves in the providence of God, the laws of the states might not allow of emancipation; and they had no power to choose their own place of residence. But no such "reason" could apply to a bishop, for he has always been allowed to live where he pleases. Again: traveling preachers encumbered with slaves labor among people similarly situated, and who would not, therefore, be likely to object to them on that account. But a bishop, by the *constitution* of the church, is required to labor in every part of the connection; and in by far the larger portion of it the services of a slaveholding bishop would not be acceptable. So here again the "reason" of the case does not apply to a bishop. There is not, therefore, as the Protest so roundly asserts, any "express" or "specific law" in the case; and therefore, as the Protest itself admits, "in the absence of law it might be competent for the General Conference to act on other grounds." With the failure to prove any "specific law" authorizing a bishop to hold slave property, the third and fourth arguments of the Protest, which are founded on this assumption, fail also.

But, perhaps, it is not so much the law of the Discipline which the Protest claims to cover Bishop Andrew as the law of the land: for it declares, "The rights of the legal owners of slaves in all the slaveholding states are guarantied by the constitution of the United States, and by the local constitutions of the states respectively, as the supreme law of the land, to which every minister and member of the Methodist Episcopal Church, within the limits of the United States government, professes subjection, and pledges himself to submit, as an article of the Christian faith, in the common creed of the church." If by this is meant that the law of the land *allows* citizens to hold slaves, it is admitted. But so also it allows them to keep theatres and grog-shops, so that this is no ground of argument. But if it mean that the law of the land *requires* citizens to keep slaves, (the only interpretation which can make the argument available,) it is denied. And until it can be shown that the Methodist Episcopal Church by its action—legislative, judicial,

or executive—requires any citizen to do what the law of the land requires him not to do, it is unjust to attempt to get up popular clamor against it, as if it came in conflict with the civil authority.

This course of reasoning has been pursued thus far, not so much because it was deemed necessary for the vindication of the conference, as to avoid sanctioning, by silence, the erroneous exposition which the Protest presents of the constitution, and the law of the church. For it has been already seen that Bishop Andrew has been subjected to no trial, and no penalty has been inflicted. At present, it is plain that the conference has done nothing to depose, or even suspend Bishop Andrew. His name will appear in official publications with those of the other bishops, and with them he will derive his support from the funds of the church. In order to make out that the General Conference had no right to take such action as they have in Bishop Andrew's case, the authors of the Protest have been driven to the necessity of claiming for the Methodist episcopacy powers and prerogatives never advanced before, except by those who wished to make it odious, and which have always been repudiated by its chosen champions. The Protest maintains that "the episcopacy is a co-ordinate branch of the government;" for which no argument is adduced save this—that it is, in general, the province of bishops to ordain bishops: a sufficient answer to which may be found in the principle of Methodist polity, stated in the Address of the bishops to the present General Conference, that orders (the principle applies to bishops, though not expressly named, as well as to elders and deacons) are "conferred" by the election, and only "confirmed" by the ordination: and that when the election has been made, the bishop "has no discretional authority; but is under *obligation* to ordain the person elected, whatever may be his own judgment of his qualifications." And if all the bishops should refuse to ordain the person elected by the General Conference, that body would unquestionably have the right to appoint any three elders to ordain him, as is provided "in case there be no bishop remaining in our church." The Protest declares that "the bishops are beyond doubt an integral, constitutent part of the General Conference, made such by law and the constitution." If the words "General Conference" be not a mere clerical error, the assertion is sufficiently refuted by the answer in the Discipline to the question, "Who shall compose the General Conference?" and by the practice of the bishops themselves, who disclaim a right to give even a casting vote, or even to speak in General Conference except by permission. The Protest maintains, that "in a sense, by no means unimportant, the General Conference is as much the *creature* of the episcopacy, as the bishops are the creatures of the General Conference." The proof adduced for which is, that "constitutionally the bishops alone have the right to fix the time of holding the Annual Conferences; and should they refuse, or neglect to do so, no Annual Conference could meet according to law; and, by consequence, no delegates could be chosen, and no General Conference could be chosen or even exist." That is to say, because, for the convenience of the bishops in performing their tour, they are allowed to say *at what time in the year* an Annual Conference shall meet; therefore they have the power to

prevent such body from meeting at all, though, from its very name, it must meet once a year!—that, by preventing the meeting of Annual Conferences, they might prevent the organization of any General Conference; and thus, escaping all accountability for their delinquencies, might continue to lord it over God's heritage, until themselves and the church should die a natural death. We can easily perceive, were this reasoning legitimate, that the bishops might *destroy*, not only the General Conference, but the church; but are at a loss to discover how it proves that they can *create* either. We must protest against having any argument of ours adduced as analogous to this.

The Protest maintains, that "the General Conference has no right, power, or authority, ministerial, judicial, or administrative," in any way to subject a bishop "to any official disability whatever, without the formal presentation of a charge or charges, alledging that the bishop to be dealt with has been guilty of the violation of some law, or at least some disciplinary obligation of the church, and also upon conviction of such charge, after due form of trial." To those who are not familiar with the Methodist economy, this might seem plausible. But it is, in reality, an attempt to except, from the action of a general system, those who least of all ought to be excepted. The cardinal feature of our polity is the itinerancy.

To sustain this system, it is essential that the classes should receive the leaders that are appointed by the preacher, that the societies should receive the preachers that are stationed over them by the bishops, that the Annual Conferences should receive the bishops that are sent to them by the General Conference. Unless, therefore, the utmost care be taken by those who have authority in the premises, that these parties shall severally be acceptable to those among whom they labor, there is great danger that those who are injured by such neglect may seek redress by revolutionary measures. For this reason, the officers of the Methodist Church are subjected regularly to an examination unknown, it is believed, among other denominations. Not only is provision made for formal trials, in cases of crimes and misdemeanors, but there is a special arrangement for the correction of other obstructions to official usefulness. At every Annual Conference the character of every traveling preacher is examined; at every General Conference that of every bishop. And the object is to ascertain not merely whether there is ground for the formal presentation of charges, with a view to a regular trial; but whether there is any "objection"—anything that might interfere with the acceptance of the officer in question among his charge. And it is doctrine novel and dangerous in the Methodist Church, that such difficulties cannot be corrected unless the person objected to be formally arraigned under some specific law, to be found in the concise code of the Discipline—doctrine not the less dangerous because it is applied where "objections," unimportant in others, might be productive of the most disastrous consequences. Will the Methodist Church sanction the doctrine that, while all its other officers, of whatever name or degree, are subjected to a sleepless supervision; are counseled, admonished, or changed, "as necessity may require, and as the Discipline directs," a bishop, who decides all questions of law in Annual Con-

ferences; who, of his mere motion and will, controls the work and the destiny of four thousand ministers; who appoints and changes at pleasure the spiritual guides of four millions of souls; that the depositary of these vast powers, whose slightest indiscretions or omissions are likely to disturb the harmony, and even impair the efficiency, of our mighty system of operations, enjoys a virtual impunity for all delinquencies or misdoings not strictly criminal?

It is believed that an attempt to establish such an episcopal supremacy would fill not only a part, but the whole of the church, "with alarm and dismay." But this doctrine is not more at variance with the genius of Methodism than it is with the express language of the Discipline, and the exposition of it by all our standard writers. The constitution of the church provides that "the General Conference shall have full powers to make rules and regulations for our church," under six "limitations and restrictions," among which the only one relating to the episcopacy is this—"They shall not change or alter any part, or rule of our government, so as to do away episcopacy, or destroy the plan of our itinerant general superintendency." As there is nothing in the restrictive rules to limit the full powers of the General Conference, in the premises, so is there nothing in the special provision respecting the responsibility of a bishop. In reply to the question, "To whom is a bishop amenable for his conduct?" the Discipline declares, "To the General Conference, who have power to expel him for improper conduct, if they see it necessary." And this, be it remembered, is all that is said respecting the jurisdiction over a bishop, with the exception of a rule for his trial, in the interval of a General Conference, if he be guilty of immorality. In full accordance with the plain meaning of these provisions is the language of all the standard writers on Methodist polity.

Bishop Emory—a man of whom it is no injustice to the living or the dead to say, that he was a chief ornament and light of our episcopacy; that he brought to the investigation of all ecclesiastical subjects a cool, sagacious, powerful, practical intellect—fully sustains the positions we have assumed in behalf of the powers of the General Conference over the bishops of our church. He gives an unqualified assent to the following passages from the notes to the Discipline, prepared by Bishops Asbury and Coke, at the request of the General Conference:—"They (our bishops) are entirely dependent on the General Conference:" "their power, their usefulness, themselves, are entirely at the mercy of the General Conference."

Dr. Emory also quotes some passages from a pamphlet, by the Rev. John Dickens, which, he says, was published by the unanimous request of the Philadelphia Conference, and may be considered as expressing the views both of that conference and of Bishop Asbury, his intimate friend. Mr. Dickens affirms, that the bishops derive their power from the election of the General Conference, and not from their ordination; and that the conference has, on that ground, power to remove Bishop Asbury, and appoint another, "if they see it necessary." He affirms that Bishop Asbury "derived his official power from the conference, and therefore his office is at their disposal"—Mr. Asbury was "re-

sponsible to the General Conference, who had power to remove him, if they saw it necessary;" "he is liable every year to be removed."

The above quotations show very clearly the sentiments of Asbury, and Coke, and Dickens, on this question—men chiefly instrumental in laying the foundations of our polity.

Equally clear and satisfactory is the testimony of another venerable bishop, who still lives, in the full exercise of his mental powers and benignant influence, to guide and bless the church:—"The superintendents now have no power in the church above that of elders, except what is connected with presiding in the conference, fixing the appointments of the preachers, and ordaining:"—"They are the servants of the elders, and go out and execute their commands:"—"The General Conference may expel a bishop not only for immoral, but for '*improper* conduct,' which means a small offense below a crime; for which not even a child or a slave can be expelled but after repeated admonitions:" —"The traveling preachers gave the bishop his power, they continue it in his hands, and they can reduce, limit, or transfer it to other hands, whenever they see cause." Such is the language of Bishop Hedding, who only concurs in the moderate, truly Methodistic views of Bishops Asbury, Coke, and Emory.

It is believed that this statement of the facts and the law in the case will afford a satisfactory answer to all the positions and reasonings of the Protest; and, after having thus presented it, the majority are perfectly willing to abide "the decision of our contemporaries, and of posterity." They cannot, however, close these remarks, without expressing their regret that the minority, not content with protesting against the action of the General Conference, as "lawless," as "without law, and contrary to law," as such "a violation of the compromise law," that "the public faith of this body can no longer be relied upon as the guaranty for the redemption of the pledge," "that there shall be no further curtailment of right as regards *the southern ministry*,"—that, not content with thus harshly assailing the proceedings of the General Conference, they have even refused to the bishops, whom they have invested with such exalted prerogatives, the quiet possession of their thoughts and feelings; and have thrown out the significant intimation, "that any bishop of the church, either violating or submitting to the violation of the compromise charter of union between the north and south, without proper and public remonstrance, cannot be acceptable in the south, and *need not appear there*." We shall be slow to believe, that even their constituents will justify them in thus virtually deposing, not one bishop only, but several, by a process which is even worse than "extra-judicial."

When all the law, and the facts in the case, shall have been spread before an impartial community, the majority have no doubt that they *will* fix "*the responsibility of division*," should such an unhappy event take place, "where in justice *it belongs*." They will ask, Who first introduced slavery into the episcopacy? And the answer will be, *Not the General Conference.* Who opposed the attempt to withdraw it from the episcopacy? *Not the General Conference.* Who resisted the measure of peace that was proposed—the mildest that the case allowed?

Not the majority. Who first sounded the knell of division, and declared that it would be impossible longer to remain under the jurisdiction of the M. E. Church? *Not the majority.*

The proposition for a peaceful separation, (if any must take place,) with which the Protest closes, though strangely at variance with much that precedes, has already been met by the General Conference. And the readiness with which that body (by a vote which would doubtless have been unanimous but for the belief that some entertained of the unconstitutionality of the measure) granted all that the southern brethren themselves could ask, in such an event, must for ever stand as a practical refutation of any assertion that the minority have been subjected to the tyranny of a majority.

Finally, we cannot but hope that the minority, after reviewing the entire action of the conference, will find that, both in their Declaration and their Protest, they have taken too strong a view of the case; and that by presenting it in its true light before their people, they may be able to check any feelings of discord that may have arisen, so that the Methodist Episcopal Church may still continue as one body, engaged in its proper work of "spreading Scriptural holiness over these lands."

J. P. Durbin, Chairman.
George Peck,
Charles Elliott.

B.—MR. HAMLINE'S SPEECH.

I do not rise, Mr. President, with the hope that I shall "communicate light" on the topics before us; but rather for the purpose of imploring light from others. It cannot be unkind in me to suggest that this discussion has taken an unprofitably wide range; for many whispers within the bar, and the complaints of several speakers on the floor, show that this is the case. We have drawn into the debate many questions which have but a very slight connection with the propositions contained in the resolution. I would, if possible, call the attention of the conference from matters so remote to the real issue in the case. It is complained that we seem to have forsaken all argument, and a call is made for our "strong reasons." We ought, indeed, to argue on both sides. And if I should not do it, I will, at least, refrain from addressing a word to the galleries, or to the spectators.

There ought to be two questions before us. First. *Has the General Conference constitutional authority to pass this resolution?* Second. *Is it proper or fitting it should do it?* The first question should be first argued; but so far it has scarcely been touched. If we have not authority to pass the resolution, to discuss its expediency is surely out of place; for it can never be expedient to violate law, unless law violates justice. I shall leave the question of expediency to others, or only glance at it; but I ask your attention to the topic of conference authority.

The resolution proposes to suspend the exercise of a bishop's functions on a certain condition to be performed by him. If I mistake not, the resolution is a *mandamus* measure. Its passage will absolutely suspend the exercise of the superintendent's *functions*, until he complies with the prescribed condition. The measure of power required to do this is the same which would be requisite to suspend or depose a bishop for such reasons as the resolution mentions, or, in other words, for "*improper conduct*." Have we, then, such authority? I shall assume that we have; hoping, if I *prove* nothing, to provoke proof, *pro* or *con*, from the brethren who surround me.

I aruge this authority in the General Conference, first, *from the genius of our polity on points which the most nearly resemble this.* Strict amenability in church officers, subordinate and superior, is provided for in our Discipline. From the class-leader upward, this amenability regards not only major but minor morals—not only the *vices*, but also the *improprieties* of behavior. The class-leader, by mere eccentricity, becomes unpopular in his class. The pastor at discretion removes him from his office. The exhorter or unordained local preacher proves unacceptable, and a quarterly conference refuses to renew his license. The itinerant pastor is not useful in charge, and the bishop or the presiding elder deposes him from his charge, or from the pastoral office, and makes him an assistant. The presiding elder impairs his usefulness on a district, not by gross *mal*feasance, but by a slight *mis*feasance; or oftener still because "he is not popular," and the bishop removes him to a station or a circuit, and perhaps makes him an assistant. I speak not now of annual appointments, when the term of the itinerant expires by limitation, but of removals by the bishop or the presiding elder in the intervals of conference, which always imply a deposing from office, as well as a stationing act. In all these instances the manner of removing from office is peculiar. First. It is *summary*, without accusation, trial, or formal sentence. It is a ministerial, rather than a judicial, act. Second. It is for no crime, and generally for no misdemeanor, but for being "unacceptable." Third. Most of these removals from office are by a sole agent, namely, by a bishop or preacher, whose will is omnipotent in the premises. Fourth. The removing officer is not legally obliged to assign any cause for deposing. If he do so, it is through courtesy, and not as of right. Fifth. The deposed officer has no appeal. If indiscreetly or unnecessarily removed, he must submit; for there is no tribunal authorized to cure the error, or to rectify the wrong. But we believe that there are good and sufficient reasons for granting this high power of removal to those who exercise it. It promotes religion. It binds the church in a strong and almost indissoluble unity. It quickens the communication of healing influences to the infected and the enfeebled parts of the body ecclesiastical. In a word, it is a system of surpassing energy. By it executive power is sent in its most efficient form, and without loss of time, from its highest sources or remotest fountains, through the preachers and class-leaders, to the humblest member of the church. The system is worthy of all eulogy.

We will now inquire as to the bishop. In his case is this strong

feature of Methodism lost sight of? Is he, who can at discretion, by himself or by his agents, remove from office so many, among whom are thousands of his co-ordinates or peers, subject in turn to no such summary control? We have seen that to lodge this power of removal in superior, and impose submission to it on inferior, officers is the fashion of Methodism. She loves the system. She carries it up through many grades of office until we reach the bishop. Does it suddenly stop there? If so, on what ground? I can conceive none. If any can, let the reasons be arrayed before us. I can perceive none, Mr. President, *in being:* but I can conceive them possible under given circumstances. In church and in state there must always be an ultimate or supreme authority, and the exercise of it must be independent, so far as systematic responsibility is concerned. But is the episcopacy in regard to this question supreme? Certainly not. The General Conference, adjunct in certain exigencies with the Annual Conferences, is the ultimate depository of power in our church. And I beg to dwell here. For, in the second place, I shall argue our authority to depose a bishop summarily for improprieties morally innocent, which embarrass the exercise of his functions, *from the relations of the General Conference to the church, and to the episcopacy.*

This conference, adjunct (but rarely) with the Annual Conferences, is supreme. Its supremacy is universal. It has legislative, judicial, and executive supremacy. Its legislative supremacy consists of "*full powers to make rules*," as the Discipline words it. This is full power for *quasi legislation.* Under self-assumed restrictions, which are now of constitutional force and virtue, (especially as they originated in a General Conference, composed not of delegates, but of traveling preachers,) it can make *rules of every sort* for the government of the church. The restrictions are few and simple. They embrace our articles of religion, the ratio of representation, the perpetuity of episcopacy, and the general superintendency, the general rules, trial by committee and appeal, and the avails of the Book Concern. Beyond these slender restrictions, its legislation is legitimate and conclusive; and within them it is so, if the members of the Annual Conferences are consenting.

Now, Mr. President, in legislation the bishop has not only peers, but more than peers. In clerical orders every man on this floor is his equal, but, in legislative functions, his superior. Can you contribute the uplifting of a hand for or against a conference act? You may not do it. The Discipline, which we shape at pleasure, defies your touch. You may not, in this regard, breathe upon it. You may not spread the plaster upon a patch which we, *ad libitum*, apply to its weak parts. If the conference, by a tie, fail to do what is desirable to be done, and (like the philosopher's starving brute, caught centrally between two heaps of hay) cannot escape from the dilemma, I believe it is doubted by the college of bishops whether the president can come to our rescue by a casting vote.

The conference has *judicial* supremacy. It is a court of appeals beyond which no parties can travel for the cure of errors. It is the dernier resort, not only of appellants, but of original complainants.

You, sir, must stand or fall by its sole decision. If it err, which is not a legal presumption, its unwholesome error is incurable, except by the *vis medicatrix*—the medicinal virtue—of its own judicial energies. Nor has a bishop part or lot in its court action. He is constituted the judge of law in an inferior tribunal, but not here. His lips are sealed in this august body, and except when himself is concerned, he may not rise as an advocate either for the church or for an implicated party. It would be treason to do so. It would be a most offensive deed, like the bribing of a judge, or a *covinous* communing with a juryman. So naked, sir, of judicial prerogatives is the bishop in this conference. Every member on the floor wears the ermine which you may not assume. Each of us blends in himself the functions of both judge and juryman, to which you are an utter stranger. In the mean time you are liable, as I suppose, to be stripped by us of those other high prerogatives of which, by our countenance, you now hold investiture. You see, then, that as a bishop you are both elevated and depressed. In regard to legislative and judicial prerogatives, when you went up you went down. Your station in the General Conference is a peculiar eminence. Your high seat is not at all terrific in concealed or outbeaming power. It is like a gallery of disabilities, where, as a spectator of tragedy, you can do little more than admire or reprobate the piece, and smile or frown upon the actors. But, sir, such as it is, you and we approve it, and you would be as unwilling as ourselves to see your prerogatives changed by increase or diminution. You are high up, and low down; and all (but yourselves most of all) are content that we—as we mean by grace to do—should keep you up, and keep you down.

But from the legislative and judicial functions of the conference, I proceed to its *executive* or *ministerial*. Here I may be approaching debatable ground. But as I wish to provoke truth, and gather instruction from others, I will venture to advance, leaving, if you please, a bridge of retreat, if hemmed in at last, to that discreet refuge. All will consent, I suppose, to the doctrine of conference supremacy in the two points stated above. They will grant that this is our ecclesiastical legislature; and the high court—*curia maxima*—of the Methodist Episcopal Church.

But has it also *executive* functions—and are these supreme, or all-controlling? So I affirm; but it is for argument, and not with the least design to utter a mere proverb, or to impose my dictum on the conference. I beg all, sir, to hear and remember this emphatic disavowal. I proceed then to argue, (having affirmed it as a mere logical formula,) that the General Conference is clothed with supreme executive functions. I will strive both to sustain it and to commend it to your favor.

First, then, the General Conference is the *fountain* of all official executive authority. It is the "*Croton River*" of that system of executive ministrations which flow in healthful streams throughout our Zion. I know, sir, that between this fountain and the church members, who are the remote points of minute distribution, there are interposed several reservoirs of this ministerial authority. The episcopacy is one,

and the chief reservoir. The pastorship is another. The class-leaders are the small channels through whom passes to the door of each one's heart in the class-room a measure of the disciplinary influences of the church. What is objected, sir, to this view of the subject? Will it be disclaimed that the conference is this fountain? Can you advise me where else than here executive authority takes its rise? Whence do you gather these life-preserving waters? From the constitution? That, sir, is a very brief instrument, and its provisions can be scanned in two minutes. Show where its authority creates the machinery of a church administration. Does it provide one wheel or spring? It seems to me, sir, that like God in Eden, who planted but did not till the garden, resigning that delightful task to man, so our constitution says to this General Conference, Under such and such restrictions you are commissioned with "*full powers to make rules and regulations for*" cultivating the fields of Methodism. Full powers for what? For two things. First "to make rules." That is legislation, sir, as it stands related to other powers of the conference. But is this all it can do? No. It has full powers also "to make *regulations*" for the government of the church. What is a regulation? To appoint a preacher to a field of labor is a regulation. To remove him to another field is a regulation. To elect and impower a bishop to do this for us is a regulation. To recall that bishop to his former station is a regulation. Now "what a man does by another he does himself," is a maxim in law. The General Conference may make these regulations without a bishop, and leave him a less onerous superintendence, or the conference may make these regulations by a bishop, and multiply the toils of his superintendence.

That the conference has executive authority is indisputable: for the bishop derives his authority from the conference. Are not answers first, second, third, and eighth, to question third, in section fourth, statutory provisions? Do they not convey authority to the bishops? If those answers were blotted out by a resolution of this conference, would the bishops proceed to execute the duties therein prescribed? This General Conference clothes them with these powers; and can the conference convey what it does not possess? Can it impart to bishops what was not inherent in itself up to the time of conveying it? The conference has these powers. Everything conveyed as a prerogative to bishops, presiding elders, preachers, &c., by statutory provision, and not by the constitution, or in the restrictive rules, was in the General Conference, or it was mockery thus to grant it, and the tenure of these officers is void, and their *seizin* tortious. They should be challenged, then, as to their authority. Now, sir, all that this conference can confer, it can withhold; and whatever it can confer and withhold, it can *resume* at will, unless a constitutional restriction forbids it. It can resume, then, all the powers granted to a bishop by its own act, except such prerogatives as are essential to episcopacy and superintendency. As to the episcopacy, which we may not do away, the power to ordain is essential to its being, and whether so far as *it* is concerned, the whole of section fourth, with that exception, might not be constitutionally expunged, is doubtful. Not that I would have

it expunged. But I am now arguing the question of conference power, and not of ecclesiastical expediency. I love the episcopacy just as it is; and reverence for the office emulates in my bosom a sister passion —affection for the venerable men who occupy it—affection for them all; *every one.*

Here, Mr. President, let me say a word concerning our church constitution. It is a remarkable instrument. It differs cardinally from most, or all civil constitutions. These generally proceed to demark the several departments of government—the legislative, judicial, and executive—and, by positive grant, assign each department its duties. Our constitution is different. It does not divide the powers of our government into legislative, judicial, and executive. It provides for a General Conference, and for an episcopacy, and general superintendency. It leaves all the powers of the three great departments of government, except what is essential to an episcopacy, &c., in this General Conference. It restricts us slightly in all our powers, but not in one department more than in another. Under this constitution the conference is as much a judicatory as a legislature; and it is as much an executive body as either. What is there in the constitution to distinguish the three departments of our govermental authority, or to bestow one and withhold another? The grant of power to us is *in mass*, and no more excludes the executive than it does either of the sister departments. And that our powers are administrative do we not declare, when we demand at each General Conference the Minutes of every Annual Conference, and, by the "Committee on the Itinerancy," inspect and pass judgment on them? And when, too, the administration of our bishops is put under a severe inquisition, and a committee reports approval or disapproval? Surely, if anything could, this proves that the conference assumes to be supreme in administration, else why does that administration thus appeal to this conference in the last resort? Why, sir, the streams of these administrative acts took their rise here, and, like running waters to the ocean, they return hither to their source. How unlike those of the president to the American Congress, with which I have heard them compared, are the relations of the episcopacy to this conference! The constitution of the United States gives Congress *its* powers, and the president *his*. Each exists independent of the other. The term, the duties, the privileges of the president are all fixed by constitutional provision. The presidency, as an office, and the incumbency of it, are plainly designated. Our church constitution recognizes the episcopacy as an abstraction, and leaves this body to work it into a concrete form in any hundred or more ways we may be able to invent. We may make one, five, or twenty bishops; and, if we please, one for each conference. We may refuse to elect another until all die or resign; and then, to maintain the episcopacy, which we are bound to do, we must elect one, at least. As to his term, we may limit it at pleasure, or leave it undetermined. But in this case is it *undeterminable?* Certainly not. The power which elected may then displace. In all civil constitutions, as far as I know, not to fix an officer's term, is to suspend it on the will of the appointing power. Cabinet ministers and secretaries are examples. No officer,

as such, can claim incumbency for life, unless such a term be authoritatively and expressly fixed upon.

I now reach a point of my argument to which I solicit particular attention. It has been urged privately, by very many, that we have no authority to displace a bishop, except for crime, and by a formal trial. And they who advocate it tell us to look into section fourth, page 28, and we shall be convinced. Well what now is section fourth to us, in a question of this sort? That whole section is statutory. Were it a part of our church constitution it might be invoked as authoritative. Mere rules as they are, and alterable by us in ten minutes, by two conference votes, they expressly recognize our authority to "expel a bishop for improper conduct." Why then urge anything in the fourth section against this pending resolution? If there were no express rule for deposing a bishop, we should still be competent to depose. And for this plain reason. Whatever this conference can constitutionally do it can do without first resolving that it has power to do it—without passing a rule into the Discipline declaring its authority. The power of this conference is derived, not from its own enactment, but from the constitution. Is there anything in the restrictive articles which prohibits the removal or suspension of a bishop? This will not be pretended, and of course nothing in our own statutes can deprive us of powers conferred on us by the higher authority of the constitution.

Let me explain. Suppose Congress should, under the pressure of any causes, calculated to blind or confuse it, deny its power to raise revenues for the support of government, would it be bound by its own act? The very next day it might proceed to exercise the self-prohibited power, and for this reason—the prohibition is by Congress, but the grant of that which is prohibited is by the constitution, which is binding on Congress, in despite of its own opposing action. So with this conference. Suppose the fourth section provided that this body "has *not* power to depose a bishop for improper conduct, if it seem necessary." We should still have power to depose, because the *constitution* confers it, and that is paramount to all our resolutions and statutes. We cannot by our enactments divest ourselves of constitutional powers, no more than man made in God's image, and about to inhabit God's eternity, can spurn the law of his being, and divest himself of free agency and immortality.

Now let me proceed after the manner of mathematicians. We have seen, if I mistake not, that a provision in the fourth section, page 28th, declaring our incompetency to depose, would still leave us free to do it, because the superior authority of the constitution confers the power. Much more then may we depose if, instead of a statute forbidding it, the Discipline is silent on the subject. But much more still may we depose, if instead of silence there is a *rule* for deposing as well as the constitutional warrant. I do not claim this for demonstration, albeit I have chosen such a mode of reasoning; but unless I greatly err the argument claims some regard. Now, sir, there is a rule which many of us believe applies to this case, in the answer to Question 4th, page 28th—"To the General Conference, who have power to expel him for improper conduct, if they see it necessary." Let it be noticed, that in

harmony with what I have said concerning our constitutional power, this rule does not *convey* authority, else the auxiliary "shall" would be used. It does not say the General Conference *shall* have authority, which is the style used in creating constitutional prerogatives. The language of the rule is simply declaratory, recognizing a power already existing. Let us notice certain phrases in this declaratory rule. "Have power to expel," sets forth the extent to which we may proceed in our efforts to guard against the consequences of a bishop's improprieties. The expulsion contemplated is doubtless from office. For though *depose* is the word generally used in such connections, expel is not less significant of the thing. To put out of office is expulsion. If any dispute, and say the expulsion must be from orders, or from the church, we answer, A power to expel from church is certainly equal to the power of removing from office. The child who has license to play *all* day, need not dread the rod for playing *half* a day; and the boy who is told he may ride ten, cannot disobey by riding five miles. That argument is hard pushed which resorts to the phrase, "have power to expel," to prove that the conference has not power to *depose*. "*Improper* conduct" means less than *imprudent* conduct. Imprudence carries our thoughts to the neighborhood of crime. It means a want of wisdom to a degree which involves exposure and harm. Improper means, simply, not suitable, or unfitting. The *usus loquendi* in the Discipline forbids us to assume that in some generic sense it embraces crime. Whatever is unfitting a bishop's office, and would impair his usefulness in the exercise of its functions, is embraced, I conceive, in the phrase "improper conduct." In the Discipline it is used in contradistinction from crime. And it is never treated as crime in the administration, except when a private member, after frequent admonitions, obstinately refuses to reform. In such a case obstinacy itself becomes a criminal state of mind, and may procure expulsion. Finally, the phrase, "if they see it necessary," sheds light on the whole paragraph. It proves that improper does not mean criminal; for then it would be necessary, and the condition would be useless. The phrase accords to the conference discretionary power, and invites them to proceed on the ground of "expediency," of which some have loudly complained. They may expel him, if they see it to be proper or expedient—that is, if his improprieties injure his usefulness in the high office where our suffrages placed him.

My mind, sir, (if not my words,) has all along distinguished between orders and office. The summary removals which I have noticed are from office, not from the ministry. In regard to ordained preachers, these two rules will hold. First, they cannot be expelled from the ministry summarily; but must have a trial in due form. Second, they cannot be expelled for "improper conduct," but only for a crime clearly forbidden in the word of God. These rules, with few exceptions, will apply to private members, who may be removed from the leader's or steward's office, at any time, without notice, trial, or cause assigned. But they cannot usually be expelled from the church without trial, or the offer of trial; nor for improper conduct, unless it become incorrigibly obstinate, and then it assumes the character of crime. The

principles which apply to members and preachers should govern us in regard to bishops. They ought not to be expelled from the ministry for "improper conduct," nor without due notice and trial. But if others, they too may be deposed from office summarily, and for improprieties which, even if they be innocent, hinder their usefulness, or render their ministrations a calamity. That the bishop's is an office, is, I suppose, conceded. True, we ordain him; but we may cease to ordain, and by suspending the conference rule which requires a day's delay, may immediately blot from the Discipline these words—page 26—"and the laying on of the hands of three bishops, or at least of one bishop and two elders." Would not this harmonize our practice and our principles?

I shall not dwell longer, Mr. President, on the question of conference authority. We have seen that when clerical orders or membership in the church is concerned, crime only, or obstinate impropriety, which is *as* crime, can expel. This is Methodism. We have seen, on the other hand, that as to office, removals from it may be summary, and for anything unfitting that office, or that renders its exercise unwholesome to the church. I have urged that all ranks of officers are included up to the point where the officer has no superior; which never happens with us, because the General Conference, under certain restrictions, is the depository of all power—legislative, judicial, and executive. I urged this *fashion* of Methodism as applicable especially to a bishop, because his superior influence will render his improprieties proportionably more embarrassing and injurious to the church.

I have argued that the conference has power, from the grant of the constitution, (which is a catholic grant, embracing *all*, beyond a few enumerated restrictions,) to try a bishop for crime, and to depose him summarily for "improper conduct." Is this hard on the bishop? Does he not summarily remove, at discretion, all the four years round, two hundred presiding elders, and two thousand of his peers; and shall he complain that a General Conference, which is a delegated body—in a word, that all these two thousand peers of his, whose authority converges through the channels of representation, and concentrates here, should do to him what he so uniformly does to them? Shall one elder, holding a high *office* at our hands, be so puissant, that, like the sun in the heavens, (though he be a planet still, and in his office reflects no light which we have not shed upon him,) he must bind and control all, but is in turn to be controlled by none? No, sir. This conference is the sun in our orderly and beautiful system. Look into the Discipline. First you have our "articles of religion," in which God appears. What is next in order? The General Conference, which, like the orb of day, rises to shed light on the surrounding scene. It is first shaped or fashioned, and then, like Adam by his Maker, is endowed with dominion, and made imperial in its relations; and, saving the slight reservations of the constitution, it is all-controlling in its influence. Let it never be lost sight of, that the General Conference is "the *sun of our system*."

I said, Mr. President, that if I noticed the question of expediency, it would be only by a glance. I will remark, generally, that in determining

what is proper, after having ascertained what is lawful, we should look two ways. As first in importance we should consider the interests of the church. Second, we should consult the feelings of the officer. And we should inquire as to the church, how is she likely to be affected by the improper conduct of her officer? Will she be locally and slightly embarrassed, or extensively and severely? If the injury threatened will be confined to a small district, and will probably be slight and ephemeral, we may bear it. But if it be likely to fall on large districts and work great evils, producing strife, breaking up societies, and nearly dissolving conferences; and, if calamities so heavy are likely to be long-continued, and scarcely ever end, the call for summary proceedings on the part of this conference is loud and imperative. If in such circumstances she decline to act, will she not betray her trust, and dishonor God? In regard to the officer, it should be inquired if the unfitness he has brought on himself for his sphere of action was by some imperative necessity, and if not, whether it was in presumable ignorance of the grief and misfortunes he was about to inflict on our Zion? Or must he have known what would follow, so that his act proceeded from, or at least was associated with, some degree of indifference, if not of wantonness, in regard to results? These things, sir, should be well weighed in settling the question of expediency.

A bishop's influence is not like a preacher's or class-leader's. It is diffused like the atmosphere, everywhere. So high a church officer, (I will not say, sir, *conference* officer, though just now I take you to be such, at least, for the time being,) I say, so high a church officer should be willing to endure not slight sacrifices for this vast connection. What could tempt you, sir, to trouble and wound the church all through, from centre to circumference? The preacher and the class-leader, whose influence is guarded against so strongly, can do little harm—a bishop infinite. Their improper acts are motes in the air—yours are a pestilence abroad in the earth. Is it more important to guard against those than against these? Heaven forbid! Like the concealed attractions of the heavens, we expect a bishop's influence to be all-binding everywhere—in the heights and in the depths—in the centre and on the verge of this great system ecclesiastical. If instead of *con*centric and harmonizing movements, such as are wholesome, and conservative, and beautifying, we observe in him irregularities, which, however harmless in others, will be disastrous or fatal in him, the energy of this body, constitutionally supreme, must instantly reduce him to order, or if that may not be, plant him in another and a distant sphere. When the church is about to suffer a detriment, which we by constitutional power can avert, it is as much *treason in us not to exercise the power we have, as to usurp, in other circumstances, that which we have not.*

C.—THE ADDRESS OF THE GENERAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH, TO ALL THEIR BRETHREN AND FRIENDS IN THE UNITED STATES.

DEAR BRETHREN,—We, the members of the General Conference of the Methodist Episcopal Church, beg leave to address you with earnestness on a subject of the first importance.

We have long lamented the great national evil of negro slavery, which has existed for so many years, and does still exist in many of these United States. We have considered it as repugnant to the inalienable rights of mankind, and to the very essence of civil liberty, but more especially to the spirit of the Christian religion.

For, inconsistent as is the conduct of this otherwise free, this independent nation, in respect to the slavery of the negroes, when considered in a civil and political view; it is still more so, when examined in the light of the gospel. For the whole spirit of the New Testament militates in the strongest manner against the practice of slavery—and the influence of the gospel, wherever it has long prevailed, (except in many of these United States,) has utterly abolished that most criminal part of slavery, the possessing and using the bodies of men by arbitrary will and with almost uncontrollable power.

The small number of adventurers from Europe, who visit the West Indies for the sole purpose of amassing fortunes, are hardly worth our notice, any further than their influence reaches for the enslaving and destroying of the human race. But, that so large a proportion of the inhabitants of this country, who so truly boast of the liberty they enjoy, and are so justly jealous of that inestimable blessing, should continue to deprive of every trace of liberty so many of their fellow-creatures equally capable with themselves of every social blessing, and of eternal happiness—is an inconsistency which is scarcely to be paralleled in the history of mankind!

Influenced by these views and feelings, we have for many years restricted *ourselves* by the strongest regulations from partaking of "the accursed thing;" and have also laid some very mild and tender restrictions on our society at large. But at this General Conference we wished, if possible, to give a blow at the root to the enormous evil. For this purpose we maturely weighed every regulation which could be adopted within our own society. All seemed to be insufficient. We therefore determined at last to rouse up all our influence, in order to hasten, to the utmost of our power, the universal extirpation of this crying sin. To this end we passed the following resolution:—

"That the Annual Conferences be directed to draw up Addresses, for the gradual emancipation of the slaves, to the legislatures of those states in which no general laws have been passed for that purpose: that these Addresses urge, in the most respectful but pointed manner, the necessity of a law for the gradual emancipation of the slaves: that proper committees be appointed out of the most respectable of our friends for the conducting of the business: and that the presiding elders, elders, deacons, and traveling preachers, do procure as many proper signatures as possible to the Addresses, and give all the assistance in

their power in every respect to aid the committees, and to further this blessed undertaking: and that this be continued from year to year, till the desired end be fully accomplished."

What now remains, dear brethren, but that *you* coincide with us in this great undertaking, for the sake of God, his church, and his holy cause, for the sake of your country, and for the sake of the miserable and oppressed. Give your signatures to the Addresses; hand them for signatures to all your acquaintances and all the friends of liberty: urge the justice, the utility, the necessity of the measure: persevere in this blessed work, and the Lord, we are persuaded, will finally crown your endeavors with the wished-for success. O what a glorious country would be ours, if equal liberty were everywhere established, and equal liberty everywhere enjoyed!

We are not ignorant that several of the legislatures of these states have most generously stepped forth in the cause of liberty, and passed laws for the emancipation of the slaves. But many of the members of our society, even in *those* states, may be highly serviceable to this great cause by using their influence, by writing or otherwise, with their friends in *other* states, whether those friends be Methodists or not.

Come then, brethren, let us join hand and heart together in this important enterprise. God is with us, and will, we doubt not, accompany with his blessings all our labors of love.

We could write to you a volume on the present subject; but we know that in general you have already weighed it; and we have great confidence that your utmost assistance will not be wanting, and we promise to aid you with zeal and diligence.

That our gracious God may bless you with all the riches of his grace, and that we may all meet where perfect liberty and perfect love shall eternally reign, is the ardent prayer of

Your affectionate brethren,

Signed in behalf and by order of the General Conference.

THOMAS COKE,
FRANCIS ASBURY, } Bishops.
RICHARD WHATCOAT,

EZEKIEL COOPER,
WM. M'KENDREE, } Committee.
JESSE LEE,

Baltimore, May 20th, 1800.